

Memorandum



DATE:

September 17, 1990

TO: Maxine Colm
Vice President for Employee Relations

FROM: Linda S. Gottfredson *lg*
Educational Studies

RE: Request for Step 3 Grievance Hearing

I would like to request a Step 3 grievance hearing. This grievance is brought under Article 16.1 (Maintenance of Practices) of the Collective Bargaining Agreement.

A Step 2 grievance hearing was held on Friday, March 9, 1990 with Dean Frank Murray. As with Vic Martuza's Step 1 judgment, Dean Murray agreed that an error had been made in my promotion process, but he granted only that the Department P&T Committee failed to provide an advance draft of its recommendation to the Department, as required.

The relief he offered in his March 12 memo was to hold a two-part, two-hour meeting at which "the Department would reconsider and vote again on the P&T report." During the first hour I could present whatever information I wanted, including a "written document of the facts of the case from [my] perspective", and answer questions. During the second hour the Department would vote again on the P&T report. If reaffirmed, the report could be modified. If not reaffirmed, the report could be modified and voted on again. Any modified report approved by a two-thirds vote would be sent forward. In the event that two-thirds of the Department could not agree on any report, that fact would be noted.

The relief offered by the Dean is insufficient. Both the Department Committee and the Chair violated a series of stated University and Department procedures as well as basic canons of professionalism and fairness. The Dean's proposed relief hardly begins to redress this series of errors. Indeed, the Dean proposed less relief than had the Chair. Whereas the Dean proposed a mere two-hour meeting, the Chair had at least suggested that the faculty have a week to consider the issues before voting again.

Specifically, the Department Committee violated the external peer review process by deliberately taking the unprecedented and prohibited step of seeking an "oppos[ing]" external review; by relying almost entirely upon that negative review even though it



knew it was inaccurate, politically biased, and either grossly incompetent or intellectually dishonest; by failing to report (without explanation) the preponderance of evidence from the eight other external reviewers (which was highly positive); by disguising its almost exclusive reliance on the one hostile review so as to make it seem that a variety of reviewers was critical of my work; and by even misquoting the one negative review to exaggerate one of its criticisms. The Committee also failed to adhere to Department promotion criteria by inappropriately shifting the emphasis in promotion (to full professor) from achievement to promise. In addition, it not only disregarded the predominantly positive evidence regarding my entire record, but it also failed to report that the preponderance of evidence was positive on my two most recent articles, the very work the Committee relied on to justify its negative recommendation. Further, the Committee failed to provide faculty advance copies of its (surprising) draft recommendation (violating a Department requirement),¹ and it has steadfastly refused to provide specific reasons for its negative recommendation (violating a Faculty Handbook requirement).² While charging me with "misrepresent[ing] the positions of others whom [I] critique," the Committee has failed to provide a single specific example to substantiate this serious charge.

The Chair, likewise, has violated stated Department and University procedures with regard to promotion as well as basic canons of professionalism and fairness. He failed to adhere to the Department's stated promotion criteria for scholarship, basing his recommendation on his evaluation of only one year's work in a ten-year record. Similar to the Committee, he ignored my record of accomplishment and instead emphasized his assessment of my promise, all the while disregarding assessments contrary to his own regarding both my record and my promise. Further, he failed to ensure, as the Chairman's Supplement requires him to do, that the Committee seek and rely upon "disinterested" reviewers and "objective" reviews.³ And, more generally, he has

¹The EDS Promotion Criteria and Procedures (September 23, 1987, p. 15) state that "the Committee's written promotion recommendation is sent to the department faculty..."

²The Faculty Handbook (p. III-K-3) requires that "the reasons for adverse recommendations must be explained to the candidate as specifically and completely as possible and reasonable."

³"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, ["Departmental Criteria for Promotion and Tenure"], Section

failed to protect the integrity of the Department's promotion process, as the Chair's Supplement also requires.⁴

In addition, the content and pattern of criticism by both the Committee and the Chair reveal that they based their recommendations on ideological or political disagreements with the content of my recent work, which they present (without relevant evidence) as criticisms of its scholarly quality, thereby violating my academic freedom and their professional responsibilities.

Even though I was eventually granted promotion, the promotion did not redress the damage that I and my co-author have sustained as a result of the unfair, biased, and unprofessional manner in which my application for promotion was handled. First, my reputation has been unfairly damaged both inside and outside the Department, for the Committee charged me not just with incompetence but with lack of scholarly integrity ("a recent tendency to misrepresent the positions of others whom she critiques"). A reputation for competence is a scholar's most important asset, and a reputation for scientific integrity is absolutely crucial for people like me who work in controversial areas. Those negative recommendations also remain in my personnel files, ready to stain my reputation anew whenever anyone examines them.

Second, my co-author (indeed the senior author) on the two articles most under contention stands to inherit my problems if they are not resolved ("We find this [tendency] in particular in her two most recent papers in the representation of the basic findings of the [NAS]...report"). He has already had to withdraw his bid for promotion this year because of the Chair's continuing bias against our joint work.

In addition, unless those who misbehaved are held accountable for their misconduct, integrity will not be restored to the Department's promotion process and other faculty will not be assured that they will be treated with professionalism and fairness when they come up for promotion.

B.1 ["Evidence of Teaching, Research, and Service: Peer Evaluation"], emphasis in original.)

⁴"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, ["Duties of Department Chairpersons and Program Directors"], Section 3.A.3 ["Specific Duties of Chairpersons: Faculty and Personnel Development"]).

I have attempted to settle the Step 2 Grievance informally. First, I requested and Dean Murray granted⁵ a time extension until April 30 so that I could work with him to resolve the grievance at Step 2. However, Dean Murray proposed insufficient relief.⁶ I then requested and the Dean granted⁷ an extension until May 31 so that I could work with the Department Chair to find a mutually acceptable resolution. However, while the Chair said that he would work with me on resolving conflicts in the Department, he refused to do so within the context of a Step 2 Grievance.⁸ My efforts to resolve my grievance informally having been unsuccessful with the Chair, I requested a time extension so that I could work with the P&T Committee to find some mutually acceptable resolution. The Dean denied the extension, however, because "[his] conversations with [the chair of the Committee] do not indicate that much progress will be made".⁹ Having been rebuffed in my overtures to seek an informal solution at Step 2, and convinced that there will be no resolution at all if I drop the grievance, I am now forced to go to Step 3.

I present evidence below to document a pattern of procedural violations, bias, and unfairness. Some of that evidence was available to me directly, but some not. In particular, I draw heavily upon Jan Blits' September 17 complaint to the Faculty Welfare and Privileges Committee, where he recounts information from the external peer reviews to which I do not have direct access.¹⁰

⁵April 12, 1990 memo from me to Dean Murray ("Time Extension").

⁶March 12, 1990 memo from Dean Murray to me ("Resolution of your Step 2 Grievance--Complaints (As discussed at the 3/9/90 Hearing)").

⁷April 26, 1990 memo from me to Dean Murray ("Step 2 Grievance"), endorsed by the Dean.

⁸May 25 memo from me to Dean Murray ("Step 2 Grievance").

⁹June 7, 1990 memo from Dean Murray to me ("Your Grievance/Complaint").

¹⁰In the interests of brevity, I discuss below only the most important arguments, errors, and the like which appear in the many memos which have been exchanged in this case over the last year. I am certainly willing, however, to discuss any others.

I. Chronology

This case is complex, for the violations are multiple and were revealed to me only over an extended period of time. The following chronology of selected key elements is intended to simplify consideration of the case.

- November 1 Jan Blits writes the Department P&T Committee detailing errors, inconsistencies, and admitted political bias in the only negative external review
- November 3 Blits writes to the Committee to document an egregious self-contradiction in the negative review concerning the charge of "misrepresentation."
- November 6 Department meets, is given the Committee's draft recommendation, and votes against my promotion
- November 7 I orally request, for the first of several times, the Committee's specific reasons for its negative conclusions about my research
- November 17 Blits submits a minority report on my promotion application to the Chair and the Committee (but not to the faculty) which reveals that the preponderance of evidence from the external reviews is in my favor and that the one negative review was demonstrably mistaken and admittedly politically biased
- December 18 Another faculty member reports to me that the Committee's failure to provide an advance draft "blind-sided" him, accounting for his negative vote
- January 5 I again request the Committee (this time in writing) to provide specific reasons for its negative recommendation
- January 24 Chair Martuza recommends against my promotion
- January 30 Committee declines my request to state its specific reasons
- February 1 I request a Step 1 hearing with Chair Martuza
- February 7 Once again, I request the Committee to state its reasons

February 14 Step 1 hearing held with Chair Martuza

February 16 Committee again declines my request for its reasons

February 20 (draft transmitted February 13) College P&T Committee recommends in favor of my promotion, having refused to consider seriously the one negative external review (on which the Department Committee relied almost exclusively) because it was "unprofessional"

February 19 Dean Murray recommends in favor of my promotion, writing that the P&T Committee "inappropriately shift[ed] the emphasis in the promotion decision from accomplishment to promise"

February 19 Chair Martuza proposes insufficient relief at Step 1

February 26 I request a Step 2 hearing with Dean Murray

March 3 Dean Murray's memo giving his preliminary analysis of my grievance, which reveals that the Committee deliberately sought an "oppos[ing]" external review

March 5 Dean surveys the Department to determine whether the faculty had felt prepared to vote

March 9 Step 2 hearing held with Dean Murray

March 12 Dean Murray proposes insufficient relief at Step 2

April 12 Dean Murray grants time extension so that I can work with him for an informal resolution to the grievance at Step 2

April 26 I request extension so that I can work with Chair Martuza to settle my grievance informally at Step 2

April 30 Dean Murray grants extension until May 31

May 8 Chair Martuza writes to Dean Murray disputing Blits' allegations of prejudice, but in so doing misrepresents the evidence about our joint work in ways not previously revealed

May 25 I relay Chair Martuza's unwillingness to work with me for a resolution in the context of the

grievance, and I request another extension so that I can try to settle my grievance informally at Step 2 with the P&T Committee

June 7

Dean Murray denies my request for an extension because "[his] conversations with Ralph Ferretti [chair of the P&T Committee] do not indicate that much progress will be made"

II. Violations of Procedure and Past Practice

A. Both the Committee and the Chair Violated the External Peer Review Process

The Faculty Handbook clearly suggests that solicited peer evaluations of scholarship are the single most important type of evidence about scholarly achievements. "Since peer evaluations are such an important indicator of a person's [scholarly] achievements, they should be included in the preliminary matter of the dossier."¹¹

Various procedures for soliciting the peer evaluations are specified to assure that they are professional and fair. The Faculty Handbook, for example, states that the evaluations be "written by individuals with established reputations in the candidate's field."¹² In addition, the Chairperson's Supplement to the University Policy Manual states that "[i]t 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" (emphasis in original).¹³

The requirements for "disinterested" reviewers and for "objectivity" mean that obviously biased evaluations will be given little or no weight and that the reviews themselves will be considered objectively. Just as academic professionalism requires scholars to describe accurately any body of evidence they report in their own publications, so it also requires them to do the same when they weigh evaluations of a colleague's work.

¹¹EDS Guidelines, P. 11; Faculty Handbook, p. III-K-9.

¹²p. III-K-9. The EDS Promotion Criteria and Procedures refer to "external reviewers who are experts in the candidate's research area(s)," p. 11.

¹³No. 2-4, "Evidence of Teaching, Research, and Service," Sect. B.1.

1. The Committee concealed the fact that it relied almost entirely on one negative review.

As Blits' complaint (Section I.A.) reveals, of the Committee's six quotes from external reviews, four were taken from the only negative review out of nine. The Committee, however, worded its recommendation so as to disguise this fact, making it seem as if the four negative comments came from a wide variety of reviewers--never the same one twice, let alone four times.

As Blits also reveals, the two other quotes were taken out of context from positive reviews, turning one innocuous statement and one qualification into seemingly strong criticisms.

The Committee thus not only suppressed the fact that the preponderance of evidence was strongly favorable to me,¹⁴ but it actually made seem as if the reverse were true--that a wide variety of reviewers criticized my work. In thus giving its negative recommendation spurious strength, it misled the Department as well as higher levels of review in the promotion process.

2. The Committee even misquoted the negative review, exaggerating one of its criticisms.

See the attached September 17 complaint (Section I.B) by Jan Blits to the Welfare and Privileges Committee.

3. The Committee relied almost exclusively on the one negative review even though it knew it to be politically biased.

As Blits' minority report states (p. 2), there was only one negative evaluation of my work, and it came from a reviewer who was "blatantly, and even admittedly hostile to [me] because of his policy disagreements." In the reviewer's own words,¹⁵ "[W]hat ultimately gives me pause about LG's work are my own social values and my views about the appropriate role of education in society." The Committee, ignoring the political nature of the reviewer's criticisms of my work, violated the

¹⁴See Blits' minority report, p.1. The College Promotion Committee's February 20, 1990 recommendation also states (p. 4) that there were "extremely positive reviews from virtually all external peer reviewers."

¹⁵Blits' September 17 complaint to the Faculty Welfare and Privileges Committee, Section I.C.

requirement that it rely on "disinterested" reviews, a point which Blits discusses further in Section I.C. of his complaint.

4. The Committee relied on the one negative review even though it knew that it was factually inaccurate.

As Blits' complaint shows,¹⁶ the Committee, despite appearances to the contrary, rested its serious charge against me entirely on criticisms from the one negative reviewer. The full text of the Committee's serious charge, as stated in its draft recommendation (p. 3), is as follows:

A third, and perhaps more serious problem, concerns a recent tendency to misrepresent the positions of other's [sic] whom she critiques. We find this in particular in her two most recent papers in the representation of the basic findings of the NRC panel report "Fairness in Employment Testing". The misrepresentation has 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. These same tendencies were observed by an outside reviewer who wrote "Both articles misrepresent the basic finding of the NRC panel."

The Committee's general and most damning indictment (that I have "a recent tendency to misrepresent") rests like a house of cards on the remaining three statements in this passage, all of which can be traced back to the one negative review.¹⁷ The second sentence provides the Committee's only example for my "misrepresent[ing] the positions of others" ("[my] representation of the basic findings of the NRC panel"), and the third presents its only evidence to support that one example ("the misrepresentation has to do with...within-group norming, and the referral process..."). Both the specific example and the evidence are drawn directly, without attribution, from the one negative reviewer. In the fourth and last sentence, the Committee, giving the appearance of independent corroboration for its one specific example, quotes from the negative review ("These same tendencies were observed by an outside reviewer who wrote 'Both articles misrepresent the basic finding of the NRC panel'").¹⁸

¹⁶Section I.D. of Blits' complaint.

¹⁷See Section I.D. of Blits' complaint.

¹⁸See Section I.D. of Blits' complaint.

Blits had written two memoranda (on November 1 and 3) to the Committee detailing inaccuracies and political bias in the negative review as soon as my dossier (and the external reviews) became available to the faculty.¹⁹ Thus, the Committee relied on the negative review despite having already been alerted to its general inaccuracy and bias. Moreover, Blits' memos had made clear that the particular information the Committee's draft recommendation subsequently drew upon--namely, its only specific example ("[mis]representation of the basic findings") and its only evidence for it ("...within-group norming, and the referral process...")--was false.²⁰

The Committee's (and the reviewer's) only specific evidence for my alleged misrepresentation of the "basic findings" of the NAS panel is easily falsified, and after Blits vigorously argued its falsehood (this time successfully) during the Department meeting, the Committee dropped it. Rather than also drop the charge that depended upon it, however, the Committee came up with the appearance of evidence in the form of a new, nebulous example. "The misrepresentation [of the panel's 'basic finding']," it now said, "has to do with the panel's analysis of within-group norming" (p. 3).²¹ (Much of the panel's 354-page report is "analysis" of within-group norming.)

The final version of the Committee's charge of misrepresentation was changed in only this one respect, for it read (p. 3):

A third, and perhaps more serious problem, concerns a recent tendency to misrepresent the positions of others whom she critiques. We find this in particular in her

¹⁹November 1 and 3 memos from Jan Blits to Ralph Ferretti, chair of the Department Promotion Committee.

²⁰The Committee also knew that other of the reviewer's evidence that my joint articles are "unscholarly and misleading in many specific regards" was even more grossly inaccurate or intellectually dishonest. Specifically, as Blits' complaint (Section I.D.) explains in detail, the Committee knew that the reviewer cited as evidence against me two publications (one his own) which actually exonerated me on the point in question. Far from illustrating any misrepresentation on my part, the reviewer's evidence illustrated his own.

²¹The draft and final recommendations, not just this one section, differed in only this one respect. As Blits has noted, the change in wording was suggested by the member of the Department known to the Committee to be seeking to damage my career.

two most recent papers in the representation of the basic findings of the NRC panel report "Fairness in Employment Testing". The misrepresentation has to do with the panel's analysis of within-group norming. These same tendencies were observed by an outside reviewer who wrote "Both articles misrepresent the basic finding of the NRC panel." (emphasis added for the modified wording)

But even though the Committee was forced to abandon its only specific evidence, it nonetheless retained the damning charge that I have a "recent tendency to misrepresent." It also retained the reviewer's specific example (misrepresenting the panel's "basic findings"), presented in the Committee's own name, and the now-discredited testimony of the negative reviewer himself.²²

In short, the Committee recommended against my promotion chiefly on the grounds that I allegedly misrepresent the positions of those I critique. The only specific example for this charge was that I supposedly misrepresented the basic findings of the NAS panel, and the only specific evidence of this was that I supposedly misrepresented the panel's recommendations concerning race-norming. Compelled by the facts, however, the Committee was forced to withdraw its evidence; but it retained its now-groundless conclusion, relying entirely on testimony it knew to be discredited. In the end, the Committee's only support for its key charge that I have "a tendency to misrepresent the positions of others whom [I] critique" is that the one negative reviewer, from whom it adopted the charge, agreed with it.

By resting its most serious charge against me on what it knew from Blits' November 1 and 3 memos to be false and even dishonest information, the Committee illustrated its own tendency to misrepresent the truth. By contrast, the College Promotion Committee later dismissed this same external review as "unprofessional" and "inappropriate as a peer review for a promotion and tenure decision."²³

5. The Committee deliberately solicited a negative review.

According to the Dean, the Committee deliberately solicited an "oppos[ing]" review. "I think the Committee would have been

²²The quotation is only the reviewer's subtitle for his review's discussion of his now-discredited evidence. See Footnote 16 in Blits' complaint.

²³February 20, 1990 recommendation from the College Promotion Committee, p. 2.

remiss," he wrote, "had they not solicited a letter [from] at least one person who holds strong views opposed to your own."²⁴ As mentioned above, however, the Chair's supplement to the Faculty Handbook requires that evaluations be obtained from "disinterested" reviewers, not political opponents. Far from being required, the deliberate solicitation of opposing reviews is prohibited.

More to the point, though, even if politically opposing reviews were a legitimate concern of the Committee, they had no need to solicit this one. Contrary to what the Dean suggests ("at least one person who holds strong views opposed to your own"), the Committee already had on hand two reviews from people who describe themselves as disagreeing (even "vehemently") with me on policy issues (see Blits' complaint, Section I.C.). What the Committee sought was not a politically opposing review, of which it already had at least two, but a negative review, which it lacked. Tellingly, it never identified any of the four quotes from the negative reviewer as coming from someone "who holds strong views opposed to [mine]." It concealed the political nature of the criticisms, just as it disguised its dependence on the single review.

6. The Committee sought this ninth review over my explicit objections and at the behest of a faculty member known to members of the Committee to be seeking to harm my career.

The one negative reviewer, the last of nine to be sought (four or five are normal in the Department), was selected over my explicit objection to the Committee's chair, who apparently did not relay that objection to the other committee members.²⁵ I objected to the reviewer on the grounds that he would likely be biased against my work and therefore could be expected to write a negative review.

In addition, this particular reviewer was suggested by a member of the Department whose motives were known to members of the Committee to be seeking to harm my career.²⁶

²⁴March 3, 1990 memo ("Resolution of Step 2 Grievance") from Dean Murray to me, p. 4.

²⁵See my January 18, 1990 memo to Vic Martuza ("Choice of _____ as a Peer Review").

²⁶There are other aspects of this matter that I am attempting to resolve through another channel. I do not wish to bring them up at this time, but I may wish to detail them later.

7. The Chair failed to ensure that the approved procedures for peer review were followed.

The foregoing violations of the peer review process show that the Chair failed to properly supervise that process, as required. It is true, as the Chair claims (in deferring to the Committee's actions), that "the Promotion and Tenure Committee is ultimately responsible for using its best judgment" in reaching its recommendation.²⁷ It is also true, however, that the Chair is responsible for ensuring that the Committee in fact uses its "best judgment." "Best judgment" must not be an excuse for gross misconduct.

In addition, four days before the Department meeting Blits asked the Chair to reschedule the meeting at its original time so that the Dean could attend (it had just been moved forward several days, partly for the convenience of the faculty member known to be seeking to harm my career). Blits had requested the rescheduling because of his concern that that faculty member had exercised undue and improper influence in the promotion process (particularly in the selection of the ninth reviewer) and that the Committee was not considering the reviews objectively. The Chair refused to postpone the meeting, saying it would make the Department "look bad" if it postponed a meeting just so the Dean could attend, and he never investigated Blits' charge.

8. The Chair's recommendation dismissed all the external peer reviews, without explanation.

The Chair acknowledges in his recommendation (p. 4) that "the external reviews overwhelmingly support a positive recommendation for promotion." Without explanation, however, he ignores the reviews and bases his recommendation against promotion on largely ideological objections to my most recent work (as detailed below in Section III.B). Moreover, he rests his negative recommendation entirely on my two most recent articles, while failing to acknowledge that the vast preponderance of evidence in the external reviews was positive not only for my entire record but also for those two articles.²⁸

The Chair's later statements about the evidence not only confirm his earlier bias but also illustrate his lack of truthfulness concerning the evidence. First, the Chair has consistently refused to acknowledge even the existence of evidence in favor of my most recent work. For example, in a memo

²⁷Chair Martuza's January 24, 1990 recommendation against my promotion, p. 4.

²⁸See Section II.D. of Blits' complaint.

to the Dean, he flatly states that "[t]he only specific references to those co-authored works appearing in the various Promotion and Tenure recommendations...have been negative."²⁹ In fact, the College Committee's recommendation, quoting one of five external reviewers commenting favorably on the work, reported, "[Gottfredson's] analysis [of the NAS report] 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."³⁰

Second, as described in Blits' complaint (Sections II.D. and II.E.), the Chair more recently has refused to acknowledge, contrary to the facts, that he has seen new evidence that might cause him to reconsider his evaluation of the work, and he has seized upon inappropriate negative evidence to reconfirm his evaluation.

B. The Committee Failed to Provide an Advance Draft of its Recommendation to the Department

The Department's promotion guidelines (p. 15) require that "the Committee's written promotion recommendation [be] sent to the department faculty." However, the Committee failed to send its draft recommendation to members of the Department prior to the November 6 Department meeting on my promotion. This procedural violation had a material effect on the outcome of the Department's deliberations.

The Department's 1988 recommendation "enthusiastically" supported my promotion to Professor (pp. 1, 5), praising my research in the highest terms. It stated, for example, that I had "made seminal contributions to at least two major areas of scholarly inquiry" (p. 2) and that "[t]he external reviewers were unanimous in their judgement about the importance of [my] scholarly contributions" (p. 3). The recommendation's praise of the quality and importance of my scholarship was unreserved, and the recommendation cited external reviewer statements such as the following:

Dr. Gottfredson's work evidences "...a remarkable ability to integrate vast amounts of research findings from diverse areas into coherent theoretical explanations" (p. 2).

²⁹May 8, 1990 memo ("Jan Blits' April 27, 1990 Memo to You Concerning His Promotion") from Chair Martuza to Dean Murray, p. 3.

³⁰February 29, 1990 College Promotion Committee recommendation, p. 3.

One reviewer believes that the latter article ['Societal Consequences,' 1986] is "...one of the half-dozen finest articles in the personnel psychology field in the 1980's." Another reviewer says that the special journal issue in which the ["Societal Consequences"] article appeared, and which was organized by Dr. Gottfredson, is "...one of the signal contributions of this decade to applied psychometrics and the theory of intelligence" (p. 2).

Thus, the Department concluded,

The Committee concludes that Dr. Gottfredson has unequivocally established a record of scholarship that has made highly significant contributions to the fields of vocational-counseling and industrial-organizational psychology. These accomplishments clearly meet the Department's high standards for promotion to Professor (p. 3).

Given the Department's unqualified recommendation in 1988, no one in the Department except members of the Committee had the slightest reason to expect that any serious question--let alone severe criticism--would be raised in 1989 concerning my scholarship. However, the Committee, now painting an opposite portrait of my research, recommended against my promotion on the grounds that my scholarship has been declining in quality since 1983--a period which includes six of the nine years' work the Department had praised so highly the year before. Yet, even as it surprised the Department with its recommendation, the Committee withheld copies of its draft until the meeting itself, thus depriving members of the Department the time needed to consider the merits of its unexpected recommendation, in direct violation of the required procedure as well as simple fairness.

The material effect of this violation became evident to me when a colleague came to me on December 18 to express regret over having voted against me. That individual said that he felt, in retrospect, that the faculty (and I) had been "blind-sided" by the Committee's withholding of the recommendation until the last possible moment. Just when the Department most needed time to consider a committee's recommendation, the committee gave it virtually no time at all.³¹

³¹In his March 3 commentary on my Step 2 Grievance (p. 3), Dean Murray erroneously states that "the Department heard and read the minority opinion, which gave a contrary evaluation [to the Committee's], and evidently they did not find the arguments persuasive. I have to conclude that the Department was fully informed about the contents of your dossier." The minority report was not written until November 17, 11 days after the Department voted, and it has never been distributed to the

C. The Chair Did Not Adhere to the Department's Stated Promotion Criteria for Scholarship

The Department's criteria for promotion to full professor require that a candidate's record of scholarship meet the following standards of quantity, importance, and sustained rate of production.

Faculty are expected to produce at least one scholarly book or monograph at rank or at least five major scholarly articles which address issues or problems of significance and which display the characteristics of scholarly writing; that is, each [of these five articles or book]³² should be accurate, systematic and thorough, exhibit knowledge relevant to the topic, and demonstrate appropriate analytic ability, depth, and clarity (pp. 3-4, emphasis added).

[C]andidates are expected to demonstrate a record of significant scholarship which is judged to be an important contribution to the candidate's field(s) and which goes beyond the candidate's contributions at previous rank (p. 6, emphasis added).

In all cases, the candidate's record should indicate that the candidate has sustained an active career of significant scholarship and will continue to make scholarly achievements appropriate to his/her rank (p.

faculty. Moreover, the Dean's own survey of the Department, reported in his March 12 response to the Step 2 hearing, confirms that a third of the faculty felt unprepared.

³²Dean Murray errs in his March 3 memo (p. 5) when he states that all publications must meet the same levels of scholarship and significance. Such a demand does not accord with general faculty understanding; it is also unreasonable and illogical, because one weak article could forever jeopardize an otherwise outstanding record. My understanding agrees with that of the College Committee's, whose February 20 recommendation quoted the Department's standards (p. 2) as follows: "each [of the five major scholarly publications or the scholarly book or monograph] should be accurate, systematic and thorough,..." It also seems consistent with the recommendations from the Chair (but not his subsequent February 26 justifications for his February 19 Step 1 decision), because they both hold out hope for my eventual promotion when my work returns, in their opinion, to its earlier level of quality.

7, emphasis added).

1. The Chair based his decision entirely on only one year's work in the ten-year record (1980-1989) under consideration, improperly shifting the emphasis from a record of achievement to promise.

The Chair's recommendation clearly indicates (p. 1) that he believes that the first nine of the ten years of scholarship under consideration more than meet the Department's standards: "in the aggregate, [she] has compiled a very impressive record of scholarship." His negative recommendation rests entirely on his evaluation of the two new, joint articles added last fall to the other 22 already in my dossier. He raises (p. 3) the question of whether two new items can significantly diminish a highly regarded record ("the critical question is whether the new items added to the dossier were of a nature to justify a downgrading of the previously very positive evaluation"), but then fails to answer it. Instead, his recommendation inappropriately shifts the emphasis from accomplishment to promise, even more sharply than had the Department Committee (see II.D, below). "At the outset this year I was prepared to stand by last year's recommendation.... However, the addition of the two new manuscripts introduced a degree of uncertainty regarding the quality and direction of Dr. Gottfredson's present and future work" (p. 3).

2. The Chair required that the research in that one year be "exemplary."

Not only does the Chair use one year's scholarship to negate the earlier "very impressive" (his words) nine-year's work, but he also never even claims--let alone demonstrates--that the one year's work is of poor quality. His worst assessment is that the new articles "trouble" him (p. 2), "introduce a degree of uncertainty" about my work (p. 4), and make my case for promotion "not as compelling" as it had been the previous year (p. 2).

In particular, the Chair, in summary, states (p. 4) that it is "difficult to accept the two manuscripts [in question] as exemplars of high quality scholarship." However, the Department does not require that all articles be "exemplars of high quality scholarship" (emphasis added)--least of all when the rest of a candidate's research record is "very impressive." The criterion the Chair applies is not the Department's, nor would it be reasonable.³³

³³See Footnote 32.

D. The Committee did not Adhere to the Department's Practice of Emphasizing Achievement, not Promise, in Promotion to Full Professor

The Dean states in his February 19 recommendation in favor of my promotion (p. 3) that "[w]e have always held that promotions are based solely on accomplishment; we hire on promise, we may tenure on promise, but we can only promote on accomplishment" (emphasis in original). Although apparently reluctant to criticize the Committee's procedures at a time when it was being grieved (calling its stance "conservative and reasonable"), he nonetheless states that the Committee had "inappropriately shift[ed] the emphasis in the promotion decision from accomplishment to promise."

It should be noted that, although the Committee recommended against promotion ostensibly because of its concern about my promise,³⁴ it failed to ask the external reviewers to comment on promise and it ignored the statements (which were positive) 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").³⁵

E. The Committee Failed to Provide Me with Specific Reasons for its Recommendation

The Faculty Handbook (p. III-K-3) requires that "the reasons for adverse recommendations must be explained to the candidate as specifically and completely as possible and reasonable." The Committee has failed to do so despite my repeated requests.

The day after the Department's adoption of the Committee's recommendation (November 7), I told the chair of the Promotion and Tenure Committee that the Committee's recommendation lacked specifics and that I wanted to know the specific reasons for its general criticisms of my scholarship. On November 8 I went to

³⁴"To summarize, many elements of Dr. Gottfredson's record meet the requirements for promotion to full professor....We cannot, however, ignore the Promotion and Tenure guidelines' emphasis on evidence for continued scholarly achievements appropriate to rank. Whether this recent trend represents a true decline in her scholarship or is simply an anomaly remains to be determined" (p. 3).

³⁵See Footnote 8 in Blits' complaint.

two other members of the Committee, David Kaplan and Bob Hampel, expressing my desire for specific comments. The recommendation itself provided few specifics,³⁶ and none for the most serious charge of misrepresentation. My oral requests were renewed several times in the following weeks with the chair of the Committee. I renewed my request again to the chair of the Committee, in writing, on January 5. On January 30 the Committee suggested that its November 7 memo (sic, its November 6 recommendation) had provided its reasons and offered instead to discuss a different matter. Responding to a February 7 memo reiterating my request, the Committee on February 16 again declined to provide any reasons.

One must wonder whether the Committee's refusal to provide specific grounds for its criticisms represents its inability to do so.

III. Violation of Academic Freedom

"It is recognized that if faculty members are to teach and carry on research effectively, academic freedom is necessary. Academic freedom is the freedom of the faculty to teach and speak out as the fruits of their research and scholarship dictate, even though their conclusions may be unpopular or contrary to public opinion" (Faculty Handbook, p. III-B-1).³⁷

However, while both the Committee and the Chair framed their objections to my work as a lack of scholarship on my part, they objected, in fact, on ideological or political grounds to the conclusions I draw from my research. Such objections to content are illegitimate grounds for denying promotion and clearly violate my academic freedom.

³⁶The Committee provides specific examples for only one of its three general criticisms. Two are trivial and one reflects ignorance of accepted practice in the field. See my January 5 ("The Recommendation Against my Promotion") and February 7 ("My Request for Specific Reasons for your Committee's Recommendation") memos to the Committee.

³⁷The focus here on academic freedom does not imply any waiver of Constitutional or other rights.

A. The Supposed Decline in Quality that is Alleged, but not Documented, by the Committee Actually Parallels Changes in Scholarly Content and Unaccountably Contradicts the Department's Previous Recommendation

The (1989) Committee's recommendation states (p. 2) that:

Although the volume of her output has continued at a steady rate since 1983, the Committee has found a noticeable decline in quality since that date and even more noticeably since her arrival at the University of Delaware in the Fall of 1986.

In 1988, the Department's recommendation found the case for my promotion "compelling" (p. 1) and my record of high-quality scholarship "unequivocally established" (p. 3). Moreover, it stated that not only was my earlier work significant, but

More recently Dr. Gottfredson has focused on the role of the broader societal consequence of individual differences in ability and education. Two of the papers on this topic have attracted considerable professional interest, and are notable for their scope and clarity (p. 2, emphasis added).

One reviewer believes that [one of those articles] "is one of the half-dozen finest articles in the personnel psychology field in the 1980's." Another reviewer says that the special journal issue in which the latter article appeared, and which was organized by Dr. Gottfredson, is one of the signal contributions of this decade to applied psychometrics and the theory of intelligence. The Committee concurs with the reviewers' conclusions about the quality of Dr. Gottfredson's work. She has made seminal contributions to at least two major areas of scholarly inquiry and has attained international visibility for her application of theory to problems of social policy (p. 2).

In summary, the Committee concludes that Dr. Gottfredson has unequivocally established a record of scholarship that has made highly significant contributions to the fields of vocational-counseling and industrial-organizational psychology. These accomplishments clearly meet the Department's high standards for promotion to Professor (p. 3).

The research on which these opposite evaluations are based is the same except for the two joint articles with Blits. The supposed decline in quality since 1983 includes two-thirds (15

out of 22) of the publications evaluated (highly positively) last year. Moreover, the date from which my work supposedly declined "even more noticeably" in quality (1986) includes half (11) of the publications evaluated in 1988, and coincides almost perfectly with my beginning to publish articles on the policy issues related to current racial-ethnic disproportions in intelligence. That work which was "seminal" in 1988 became non-"original" and unscholarly in 1989.

The pattern of supposed decline in the quality of my work in fact parallels changes in the content of my work and shifts in the controversiality of the topics I analyze. The Committee's purported criticisms of quality are in fact disapprovals of the content of the work.

The Committee singles out my two most recent articles for special criticism, treating them as the nadir of an accelerating decline in the quality of my scholarship since 1983. It identifies four periods, each successive one allegedly representing lower quality scholarship than the preceding one: 1980-83, 1983-86, 1986-88, and 1988-89.

My research through 1983 is non-controversial, for it deals primarily with issues in career development and not at all with group disproportions in intelligence. Presumably this is the work to which the Committee refers when it hopes that I "will return to the level of scholarship characteristic of [my] early 1980's work." Work in the second period, when my scholarship allegedly starts to decline, begins to address controversial subjects, for several articles examine the impact of ability differences on career development and occupational structure. My articles on highly controversial topics begin appearing in print in the fall of 1986, precisely the date from which the Committee contends that my work has declined in quality "even more noticeably." This work, which relates to the social policy implications of racial-ethnic disproportions in intelligence, was praised by the Department last year as "seminal." Since 1988 I have written two articles in a particularly politicized area of scientific inquiry ("race-norming" in employment selection). Even though these articles were favorably discussed by five external reviewers, who called them, among other things, "cogent and perceptive," "soundly based on research evidence and well argued," and presenting our side of the argument more "fully and cogently" than any other article known to the reviewer,³⁸ and even though the articles have been well received in the field (one was even the focus of a scholarly symposium, consisting of the paper and four responses), the Committee dismissed them out of hand as "unscholarly" and "too flawed to be considered original contributions" (p. 3).

³⁸See Section II.B. of Blits' complaint.

B. The Chair's Criticisms Primarily Represent Disagreements with the Ideological Implications of My Work

In his recommendation against my promotion, the Chair begins his discussion of my recent work by stating that (p. 3):

In my opinion, the two most recent manuscripts were primarily intended to provoke and influence the direction of a debate centering on the National Research Council's "Fairness in Employment Testing" report. As far as I can tell, the [NAS] panel made a good faith effort to fulfill its charge in evaluating the GATB-based referral system. Given the panel's initial (clearly stated) assumptions, which are rooted in the political realities of the times, it seems to me that it made a reasonable attempt to analyze the consequences of various referral policies and that its recommendations are consistent with its analysis.

Although its intended purpose is unclear (it is ostensibly a statement, not a criticism), this passage suggests that the NAS panel's intent ("good faith effort"), assumptions ("clearly stated" and "rooted in the political realities of the times"), and competence ("reasonable attempt" and "recommendations ... consistent with its analysis") need not be--indeed, cannot be--seriously questioned. To question the NAS panel's report is itself a questionable activity.

The Chair says that "some aspects of [our] manuscripts trouble [him]." He lists four examples, all of which are either unsubstantiated, inappropriate, or simply mistaken.

First, he says that we take "selected text fragments out of context" from the panel's reports to provide a "worst case interpretation." While he gives no examples of our quoting out of context, his implied objection to our "worst case interpretation" is clearly an objection to content rather than to scholarly quality.

Second, he says he is troubled, not by our misusing what he considers "heavily value-laden language...(e.g., the label 'quasi-Marxist')," but by our using such language at all. However, terms such as "quasi-Marxist" are legitimate scholarly descriptors, and their use (as distinguished from their misuse) is not an appropriate scholarly criticism.

Third, the Chair objects to what he calls "[our] pre-conceived rejection of any referral mechanism which differs from [our] preferred one without an attempt to assess and explicate the full range of potential consequences for society." What he

takes to be our "pre-conception," however, is in fact our argued conclusion. Our paper "Equality, or...?" assesses and explicates the adverse long-term consequences of the referral mechanism that the NAS panel proposes and that we reject. We reject it because of those consequences, which the NAS panel failed to address.

Finally, the Chair objects to "[our] implication that the panel's primary goal at the outset was to undermine the very foundations of our political-social-economic system regardless of the consequences to society or to the credibility of the scientific enterprise." Leaving aside the Chair's misstatement of what we say,³⁹ once again he objects here to the content of our work--its "implication"--not to its scholarly quality. As before, the Chair here confuses a disagreement concerning content with a criticism concerning quality.

In short, the Chair's criticism is vacuous on scholarly grounds and constitutes essentially a political or ideological objection to the content of my recent work. Such an objection is an illegitimate ground for denying promotion and clearly violates my academic freedom.

C. In Context, the Committee's and Chair's Concluding
Comments about my Future were Threatening

For the reasons detailed above, both the Committee's and the Chair's criticisms of the quality of my scholarship must be construed as disapproval of the conclusions and ideological implications of my recent work. In this light, their final comments suggest that I would not get promoted until I abandon the work that they dislike on ideological grounds.

The Committee concludes its evaluation of my research (p. 3):

Whether this recent trend represents a true decline in her scholarship or is simply an anomaly remains to be

³⁹We document that the NAS panel seemed predisposed to endorse race-norming (not to "undermine the very foundations" of our political system). We argue that the panel's so-called "impartial" framework will have the effect, intended or not, of undermining individual rights, and that race-norming itself will hurt economic productivity, will damage race relations, and will preclude rather than promote social equality. Thus, although the panel surely did not intend to "undermine the very foundations" of our nation, its actions may in fact have that very effect. We also argue that, by providing a pseudo-scientific justification for a political preference, the panel has politicized the science of employment testing.

determined. We hope, given additional time at present rank, Dr. Gottfredson will return to the level of scholarship characteristic of her early 1980's work.

The Chair concludes his recommendation (p. 5):

Whether these manuscripts signal the onset of a permanent change in the character and quality of her work is impossible to ascertain at this time. Once there are clear indications of a return to the level of quality characterized by her earlier work, I will once again wholeheartedly support her application for promotion to full professor.

In context, these comments were a clear threat to my academic freedom. The Committee and the Chair would not support my bid for promotion so long as I continued to do research they politically disliked.

IV. Relief Sought

I request that:

1. The research section of the Department's 1989 promotion recommendation be deleted from all personnel files.
2. The research section of the Chair's 1989 promotion recommendation be deleted from all personnel files.
3. That an addendum be attached to both recommendations stating that the two sections have been deleted because they were based on bias, misrepresentation, and improper procedures.
4. That the Chair and the four members of the 1989 Department Promotion Committee be publicly censured and that those censures be added to their personnel files.

cc: Vic Martuza, Chair
George Cicala, AAUP
Frank Murray, Dean

V. Attachments

- #
- 1987
- 1 September 23 "Promotion Criteria and Procedures," Department of Educational Studies
- 1988
- 2 October 26 Department's 1988/89 recommendation in favor of my promotion
- 3 November 1 Chair's 1988/89 recommendation in favor of my promotion
- 4 December 16 College Committee's 1988/89 recommendation in favor of my promotion
- 1989
- 5 November 1 Blits' memo to the Department Promotion Committee detailing the negative review's inaccuracies
- 6 November 3 Blits' memo to the Committee detailing another particularly egregious inaccuracy in the negative review
- 7 November 6 Committee's DRAFT 1989/90 recommendation against promotion distributed to the faculty at its meeting
- 8 November 6 Committee's FINAL recommendation against promotion after the Department meeting
- 9 November 17 Blits' minority report on my promotion application
- 1990
- 10 January 5 My memo to the Committee asking for its specific reasons and disputing its unsupported charges
- 11 January 18 My memo to Chair Martuza recording my earlier objections to the Committee's solicitation of the one negative reviewer
- 12 January 24 Chair Martuza's 1989/90 recommendation against my promotion
- 13 January 29 My memo to Chair Martuza requesting clarification of his recommendation

- 14 January 30 Committee's reply to my January 5 memo which refuses to give its specific reasons
- 15 February 1 Chair Martuza's reply to my January 29 memo
- 16 February 7 My memo to the Committee asking, once again, for its specific reasons and also questioning its methods
- 17 February 16 Committee's reply to my February 7 memo, once again refusing to provide its specific reasons
- 18 February 19 Dean Murray's 1989/90 recommendation in favor of my promotion
- 19 February 20 College Committee's 1989/90 recommendation in favor of my promotion
(draft transmitted February 13)
- 20 February 21 My memo to the Committee offering to meet with the Committee to get its specific reasons orally rather than in writing
- 21 March 3 Dean Murray's initial reactions to my Step 2 request
- 22 March 5 Dean Murray's survey of faculty preparedness to vote
- 23 March 12 Dean Murray's proposed relief for my Step 2 grievance
- 24 April 12 Dean Murray's memo granting a time extension until April 30
- 25 April 26 My memo to Dean Murray requesting a time extension to May 31 and his endorsement signifying agreement
- 26 May 8 Chair Martuza's memo to Dean Murray in which he disputes Blits but reveals the sorts of bias about which Blits was complaining
- 27 May 25 My memo to Dean Murray relaying Martuza's refusal to work for an informal resolution within the grievance process and requesting a time extension so I could work with the P&T Committee
- 28 June 7 Dean Murray's memo denying the request for extension

29 September 17 Blits' complaint on the promotion process to the Faculty Welfare and Privileges Committee (with attachments)