

FACULTY GRIEVANCE COMMISSION

BACKGROUND & SUMMARY STATEMENT

Report on the Grievance filed by
Professor Dawn V. Martin, Visiting Associate Professor

The primary reviewer, wish to address the letter sent by Associate Dean Michael Newsom on June 3, 1998, stating that the Commission does not have a right to review this case. The Faculty Grievance Commission will make the determination regarding the cases we will accept or reject. This is our determination not the College or School.

Furthermore, The Howard University Constitution states "The Faculty Grievance Commission shall have jurisdiction over: a) matters referred to it by the University administration; and b) University policy and procedures regarding the handling of faculty grievances. A grievance includes any or a combination of the following: 1) a violation of academic freedom; 2) arbitrary and capricious action; 3) discrimination with regard to gender, race, ethnic origin, age, religion, handicap, or sexual preference; and 4) established rules and procedures." The Faculty Grievance Commission is committed to finish each case that comes before it by a fair, honest, and objective mechanism.

Professor Dawn V. Martin filed a grievance with the Faculty Grievance Commission on May 15, 1998. Her appointment began on August 16, 1996, by the Howard University Law School, as a Visiting Associate Professor, with a two year appointment. She has stated in her grievance request for a hearing that she would not have made a commitment to take this position without some assurances that the nature of the position would not be temporary, and prior to her expiration date she would be offered a tenure track position. The record shows that Visiting Professor Martin left a tenure track position to join the faculty at Howard.

It is clear that Professor Martin signed a contract for a two-year term. It is not clear what she was told about a tenure track position. A study of the documents sent to the Faculty Grievance Commission raises several question which the primary reviewer considers relevant:

1. Who made the who initial contract offer to Visiting Professor Martin?
2. Who said what to Professor Martin to indicate that the contract would lead to a tenure track position?
3. Did the person who made the offer have the authority to make the initial offer and to give her a verbal commitment to a tenure track position?

Professor Martin stated in a telephone conversation on December 9, 1999, that Professor Andrew Tazlitz negotiated with her on the position to which she was appointed and told her that the position would become a tenure track position. Her position has merit because she left a tenure track position to come to Howard University. It also appears that the Law School changed job descriptions several times in order to avoid offering a slot to Professor Martin. Finally the September 17, 1999, Association of Law Schools Placement Bulletin (AALS Placement bulletin, September 17, 1999), has a position listed for Howard University Law School that appears to be appropriate for Professor Dawn Martin, except the position announcement appears to want a person without experience, etc.

The primary reviewer finds from the documents submitted to the Faculty Grievance Commission that Professor Dawn V. Martin was not given due process and that her academic freedom, rights and privileges may have been violated. The primary reviewer strongly recommends that Professor Martin's grievance case move forward as quickly as possible to the next level of mediation and that a Formal Hearing take place if necessary to be resolved in the best interests of all concerned.

MEDIATION BEFORE A FORMAL HEARING IS SCHEDULED

Dr. Ruth A. Anderson, the Faculty Grievance Commission's mediator, will try to mediate this grievance between the Grievant and the administration before a formal hearing is scheduled. Dr. Anderson will present the pleadings, discovery, settlement, and hearings of both sides and then bring them together for an agreement or resolution, if satisfactory with the Grievant and respondent. A 30 day grace period will be extended for such negotiation. The final negotiation will be a part of this summary statement for the closure of the case and/or sent to the formal hearing if parties disagree.

If all parties can not resolve this situation within (45) days, it is recommended that a faculty grievance commission hearing panel be scheduled. At that point Professor Martin can obtain legal counsel/advisor and the administration can also obtain legal counsel. The Faculty Grievance Commission outside independent attorney who is versed in university, policies, and standards of the American Association of University Professors, will be Attorney Lauckland Nicholas.

We the members of the Faculty Grievance Commission endorse and concur with the Commissioner/primary reviewer's summary, conclusion, and recommendation of this faculty grievance. We also endorse and concur with the Faculty Grievance Commission mediator's summary, conclusion, and recommendation of this faculty grievance.

Cc: Hearing Panel:

Dr. Mercedes Tibbits, College of Arts and Sciences
Dr. Felix Grissom, Department of Physiology and Biophysics, College of Medicine
Dr. William Ball, Department of Anatomy, College of Medicine
Dr. Deborah Lindsey, School of Business
Dr. Abraham Ford, School of Communication

Grievant Panel members (2) to be chosen

Respondent/Administration Panel members (2) to be chosen

Dr. Antoine M. Garibaldi, Provost

H. Patrick Swygert, President

General Colin Powell, USA (RET), Board of Trustees, Chair of Academic Excellence Committee

Sharon Banks, General Counsel Office

Lauckland Nicholas, Independent Legal Counsel for FGC

Officers of the Senate: Professors Taft Broome (Chair), Richard Wright (Vice-Chair), Mercedes Tibbits (Secretary)