

concerns about collegiality and faculty members' academic freedom certainly need to be considered in this process, the welfare and academic freedom of the graduate students in the program are obviously no less important. Indeed, one might say that the Senate has an even greater duty to protect the welfare and academic freedom of the students because students are in a particularly vulnerable position and the Senate review process claims the moral and intellectual authority of an unbiased and thorough evaluation of academic programs. This situation may raise some thorny questions about accountability in the university. If the only way to hold faculty members accountable in such circumstances is to have students file formal charges, the university and the Senate are not adequately discharging their responsibility to the students. In addition, the university and the Senate are missing an opportunity to resolve problems more expeditiously and perhaps with less legal liability.

As I understand the review process, it is designed to unearth problems and provide constructive criticism to departments and programs. It also serves as a means of providing outside perspective and assistance for any whom might feel the internal power structure of a department or program prevents them from getting fair treatment. As such, the review process serves a crucial role in maintaining the credibility of programs and the university as a whole. This review of Slavic Languages and Literatures clearly reveals significant problems. Further investigation is needed to determine the full extent of the problems and the appropriate solutions. In this regard, the situation in this department may not be entirely amenable to the normal review process. If more resources, time, and different procedures need to be drawn upon to fully appreciate the situation and the possible methods of resolution, however, the Senate must work vigorously to ensure that happens. Such investigation and ameliorative action needs to occur as quickly as possible.

Please do not hesitate to call upon me if I can be of any further assistance in this matter.

Respectfully yours,

Mark Quigley
Graduate Student Representative

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IV-E. E-Mail Communications from Internal Committee's Graduate Student Representative

1a. E-Mail to the Dean of the Humanities

-----Original Message-----

From: quigley@ucla.edu [mailto:quigley@ucla.edu]
Sent: Saturday, June 24, 2000 2:52 PM
To: pauliney@college.ucla.edu
Subject: FW: Urgent action needed in Slavic

Dean Yu,

My name is Mark Quigley. I'm a doctoral student in English, have been on the Graduate Council for the past two years and served as the graduate student representative to the 8 year review of the Slavic Languages and Literatures Department. I am forwarding a message I just sent to Harold Martinson and Duncan Lindsey about my concerns with the appearance of faculty intimidation of students in Slavic. I am taking the liberty of forwarding my concerns directly to you because I think immediate action is necessary. Since it is summer, I know people are not always around all of the time. Thus, I didn't want to risk your not hearing about this for a while. Please feel free to contact me if you have any questions or concerns.

Thanks,

Mark Quigley

1b. E-Mail Response from the Dean of the Humanities

Dear Mark Quigley,

Thank you very much for your message. I understand your concern, and I think your suggestion of having the review sent to all students is a reasonable one. However, while I can easily imagine intimidating conversations on the part of some of the faculty in the department, I'm not sure

whether we ought to preclude the chair's solicitation of student response to the review. Since he has been asked to respond to the review, and since he (rightly, in my view) wants to include student views in that response, it's not clear to me how he can avoid talking to them. Do you have any suggestions for how he (as opposed to other faculty) could otherwise proceed? I don't mean this as a rhetorical question, by the way. Needless to say, I am perturbed by the reports you are receiving. Best, Pauline Yu.

2. E-Mail to the Head of the Internal Review Committee and to the Head of the Graduate Council of the Academic Senate

---Original Message----

Hal and Duncan,

I am writing to you to request your urgent attention to the situation in the Slavic Department. Some faculty have apparently been asking students what they know about the review report and wanting to talk to students about it. Some students feel understandably uncomfortable with this. While some faculty may only have the best intentions with this and are hoping to have the students help them make sense of the report, it is not difficult to see how this could be intimidating to students, whether or not faculty intend it that way. It is also not difficult to imagine that faculty may intentionally be using such discussions to try to determine what students were involved with the review process and/or to intimidate students into silence. Well-intentioned or not, however, it cannot be allowed to continue. From my experience in the labor movement, I can tell you that such discussions and "captive audience" meetings are a common tactic for intimidating subordinates when an outside authority is asserting itself to investigate labor abuses or certify the formation of a union. In order to avoid the possibility of people feeling intimidated in such situations, much of that activity is actually illegal under labor law. As you may know from UCLA, for example, it is illegal for faculty or administrators to inquire of Academic Student Employees whether or not they are a union member or whether or not they intend to participate in a strike or labor action. The purpose is to protect the employee from feeling intimidated or being subject to the coercion of their supervisor. I think it is fairly clear why this is necessary and how subtly threats or coercion can be communicated, perhaps even unintentionally. Adherence to this rule thus also protects supervisors/faculty from being subject to claims of intimidation later.

The same logic pertains to the situation in Slavic. Given the situation and the level of student anxiety, it takes very, very little for students to feel intimidated by faculty. Thus, for the benefit of both faculty and students, it is imperative that you and/or Dean Yu immediately send a letter and/or e-mail to the Slavic faculty members ("active" and emeriti) instructing them not to discuss the review with students, ask students to send letters to the Senate or the Dean commenting on

the review, or ask students what they know about the review or people's participation in it. Such questions or requests carry a strong risk of appearing coercive or intimidating and are not the way to begin reforming the department or building student confidence.

Time is of the essence on this as the review is starting to filter out more to the faculty and they are likely to begin trying to talk to students in the near future if they are going to do so at all. Thus, any damage in terms of intimidation or discovery of student participation in the review process could happen soon and should be pre-empted if at all possible. Once such damage starts, it will likely have a snow-balling effect and student confidence in the new regime could be lost forever. Even more troubling is the possibility that faculty members could quickly determine who potential "whistle-blowers" are and such students' academic futures could be significantly compromised. Thus, this letter really needs to go out as soon as possible, perhaps even this weekend or Monday.

Let me make it clear that I am not suggesting that any charges be pursued against faculty at the moment. I am requesting that all current and emeriti faculty be instructed to not talk to their students in any way about the review so as to reduce the likelihood of feelings and/or charges of intimidation. If such instruction is given and such intimidation does occur, faculty members should be warned that they will not be able to say that they didn't realize that things could be interpreted in that way. It reduces the liability of faculty and of the university on this score and makes it more likely that the department can begin a real healing process.

I can easily imagine that a caring faculty member may genuinely want student input and not even think they could be intimidating. Thus, it should be made clear that nobody is being accused of anything in such an instruction and it is not only "malicious" discussion that is being prohibited. Rather, in order to promote a sense of confidence and safety for the students and avoid even the appearance of faculty coercion or intimidation, all faculty members are instructed not to talk about the review or the receivership with students.

In addition, in order to promote student confidence in the process, I think it's important to provide a copy of that letter and the review report to all students in the department. I have heard of some students having difficulty getting copies or feeling anxious about being marked as a malcontent if they request one. Thus, given the extraordinary situation of the receivership, I think the report and the faculty letter I'm requesting should be sent to the home of all the students in the department. That would send a strong message from the Senate that they want students to feel included in the process and will remove any possible stigma from those who have read the report.

I will send a copy of this e-mail to Dean Yu and Luisa Crespo.

I hope that you share my concern on this matter and will take swift action. I realize that we are now in the midst of summer and you may be travelling or trying to devote more attention to your research. Thus, I am sorry to bother you with such a request for your immediate attention. However, I fear any delay on this matter could have disastrous effects.

Please let me know how you intend to proceed. You can e-mail me at the above address or call me at (310) [PHONE NUMBER REMOVED].

Thanks very much,

Mark

3. Second E-Mail to the Dean of the Humanities

From: quigley@ucla.edu
To: pauliney@college.ucla.edu
Cc: hgm@chem.ucla.edu, dlindsey@ucla.edu
Subject: RE: Urgent action needed in Slavic
Sent: Sun, 25 Jun 2000 12:34:45 -0800

Dear Dean Yu,

I greatly appreciate your prompt reply and your concern about the situation. I'm glad that you can understand how such conversations could be intimidating. I also understand why solicitation of student views would be helpful in compiling a response to the review. I think it would be most effective, however, if such responses were gathered by someone other than a member of the Slavic faculty.

With his "Factual Errors Response," the chair has already demonstrated a serious inability to fully appreciate the magnitude of the problem for students in the department. I think that Harold Martinson's official response to that document underscores this. This is not to suggest that the departmental chair has some sort of nefarious purpose in mind with his plan of interviewing students. But he is obviously implicated in the problems cited by the review as a member of the Slavic faculty who failed to act and even more so as the departmental chair who allowed such problems to continue "on his watch." Thus, it does not make sense to expect him to be able to compile an accurate student response to the report. What student is going to want to have to go meet the departmental chair to confirm the fact that he has failed as the departmental leader and allowed gross abuses to go on, especially if that means contradicting what he has recently written in his "Factual Errors" document? In addition to anxieties about criticizing one's departmental

chair to his face, there is obviously the additional anxiety that the chair is a colleague of those who are most actively abusive and thus could carry tales back to those faculty members, whether maliciously or in a genuine attempt to resolve the situation. Again, his "Factual Errors" statement states that he thinks real improvements are being made with the problem faculty in the department. Harold Martinson's response notes the inadequacy of that "solution" and rightly suggests that such a claim shows the chair's failure to fully appreciate the gravity and scope of the problem for students. If the current departmental leadership structure were capable of handling this problem, things would not have degenerated to this point and the Graduate Council would not be recommending receivership.

So, given that there are real problems with having the chair seek such student input, I would suggest some possible alternatives: the graduate student representative in Slavic, Harold Martinson, Duncan Lindsey, the potential "receiver," yourself, or some designee of yours. The chair could still prepare a response from the faculty perspective and the student response could be submitted separately. I would imagine such a student response would reflect some diversity of opinion. But there could be at least some measure of confidence that the response was not tainted by coercion. It seems naive to think that a student response prepared by the chair could claim the same even if the chair did not consciously intend to coerce anyone. In fact, I think it may appear that the university administration and/or the Senate is not serious about reform in Slavic if they are putting the students in the position of having to confront the people they have said have been abusive or have allowed such abuse to continue. If some students think things are wonderful in the department and the review is egregiously wrong, they can still report that to a third party. Thus, I can see no real benefit in having the chair soliciting response from students.

I talked to Harold Martinson this morning about this matter. He was reluctant to take the action I suggested unless he heard directly from more students who were concerned about faculty questioning. Harold and I have both talked to one student who has told us about the concerns of some of his peers. Harold did not want to rely heavily on such secondhand accounts even though we both agree that the student in question is very credible. While I think Harold has done an outstanding job as chair of the review and is obviously deeply concerned about student welfare in Slavic, I think more decisive action is needed now to protect students and maintain their confidence in the process. I am confident that the student concern is real. To delay action seems to be courting disaster.

Since talking with Harold, I have heard of another student who can speak directly to feeling intimidated by faculty questioning and is willing to speak to Harold or you about this. I am also working on trying to get a third student who had a bad encounter last week with a faculty member about the review to speak directly to Harold or you. This third student is apparently reluctant to speak as he or she is concerned about triggering an investigation and/or charge against that particular faculty member. The concern is that if there were any investigation of or admonition to

the faculty member in question, he or she would immediately know who had complained. I have contact information for the initial student who contacted me and the other student who is willing to talk about feeling intimidated. I have been asked, however, not to disclose this via e-mail because of concerns about security and e-mail's longevity, etc. I am happy to provide that information to you via phone, however, if you would like it. I have also left the contact information for the second student on Harold Martinson's answering machine at home. I also understand that the department's graduate student representative has heard additional reports of student concerns about intimidation and has sent an e-mail to the departmental chair asking for him and other departmental faculty to refrain from discussing the report with students. A copy of this e-mail was also forwarded to Harold yesterday. I do not think he has had the opportunity to read it, however, as he mentioned that his e-mail at home is currently down.

I understand Harold's caution and his need to maintain his neutrality as chair of the review. Hopefully, he may be more willing to support action along the lines I suggested yesterday if he talks with the "second" student mentioned above and to the departmental graduate student representative. In any case, I still believe that current and emeriti Slavic faculty need to be instructed before the new week begins not to discuss the review with students so as to avoid making students uncomfortable or even giving the appearance of trying to coerce them. Obviously, this is a highly irregular thing to do but it is a highly irregular situation.

Please feel free to contact me via e-mail or phone (310) [PHONE NUMBER DELETED] if you would like to discuss this further or would like contact information for the students mentioned above.

Thank you again for your concern.

Best,

Mark Quigley

4. E-Mail to the Dean of the Humanities, Head of Internal Committee, and Chair of the Graduate Council of the Academic Senate

From: quigley@ucla.edu

To: pauliney@college.ucla.edu, hgm@chem.ucla.edu, dlindsey@ucla.edu

Cc: mgray@humnet.ucla.edu

Subject: Slavic

Sent: Tue, 27 Jun 2000 13:17:28 -0800

Dear Dean Yu, Harold and Duncan,

I appreciate your responsiveness regarding the issue of Slavic faculty discussing the review with students. It's certainly helpful.

I feel obliged, however, to suggest you think further about the departmental chair's discussion of the review with students. Let me first say that I deeply respect your commitment to protecting student welfare in the department. I hope you realize that is my motivation too. We all have things we'd much prefer to be doing rather than spending time on this. But it is out of my belief that we all share a genuine concern for the students in Slavic that I am bothering to pursue the point further with you.

As the departmental chair is clearly implicated in the problems identified in the review, how can any student who is sympathetic to the review's conclusions feel comfortable talking with the chair about it? There may well be students who share the chair's frustration with the review's conclusion. They should certainly express that view. But to have the chair meeting with students and determining who does and who doesn't agree with the review obviously puts those who do agree in a very difficult position and helps narrow down the possibilities of who may have cooperated with the review. Certainly, students who support the review's conclusions but feel uncomfortable can lie to the chair and assure him that they have no problems with the department. But they should not be put in the position of having to do that, of being intimidated into compromising their integrity. It also becomes a bigger problem if the chair then calls upon the students to write letters to the Senate or the Dean repudiating the review's conclusions (and potentially even what they themselves told the review). I would think we would all agree that would be coercive and unacceptable. Such coercion would still be a problem even if the chair was unaware that students were expressing any views that they did not sincerely hold.

This obviously points to the necessity of having outside reviewers in the first place. One of the main reasons why a departmental self-review is not considered adequate in and of itself is because there is too much danger of coercion/fear inhibiting the healthy airing of problems. That certainly turned out to be the case in Slavic. To now put the departmental chair in charge of another round of reviewing after such negative conclusions have been reached by the Senate review team is to substantially raise the likelihood of coercion and to put at great risk many of those who cooperated with the Review team.

Those students who do not wish to talk to the departmental chair can, I suppose, refuse to meet with him. But such a refusal obviously puts them under a cloud of suspicion. We are aware of at least two senior graduate students who are uncomfortable with the chair approaching students about the review, one of them the department's graduate student representative who referred to the chair "cornering" students. I think that should be sufficient along with the general

context of fear in the department cited above to ask the chair to refrain from approaching students. Are we to wait for a particular number of students to object before action can be taken? What is the appropriate threshold? Are we to wait for definite damage to be done as it was last week?

I appreciate that the review process and the administration have welcomed student input and participation in deciding how best to proceed. I have communicated my enthusiasm for this to the students in Slavic. I am finding it increasingly difficult, however, to continue doing so. I am beginning even to question whether I was right to encourage students to participate in the review at all. If the departmental chair begins meeting with students one-by-one with the blessing of the Senate and the administration, both will have failed in their duty to protect the students who cooperated with the review. That would be simply shameful.

I am confident that none of us wants that to happen. Thus, I think that the departmental chair should at least be instructed not to approach students on his own initiative to discuss the review. Rather, he can put out word through the various communication channels in the department that he is eager to talk to students about the review and ask them to contact him. This approach still leaves a danger of students being labelled "cooperative" or "non-cooperative" by the chair. That is why I still prefer having a third party collect student reaction, an option with no significant down-sides. But asking the chair to refrain from directly approaching students is certainly much better than giving him free rein to investigate.

It would be nice if the chair would show his sensitivity to student concerns by heeding the graduate representative's request that he not approach students about the review. But given his consistent refusal to acknowledge the extent of the problem in the department and the pressure that is likely to build upon him from his colleagues, it seems unwise, to say the least, to rely upon him honoring the graduate representative's request.

I appreciate your willingness to consider my ideas on this matter. I trust you realize that I would not to continue to press the issue if I did not think it was of great importance. I feel that the very credibility of our assurances to students that they would be protected is at stake here.

Please let me know your thoughts at your earliest convenience.

Best,

Mark Quigley

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