



The University of
Southern Mississippi

College of Business
Dean's Office

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MEMORANDUM

To: Dr. Franklin G. Mixon, Jr.

From: D. Harold Doty, Dean, College of Business ⁰¹¹⁰

Date: November 20, 2006

Re: Grievance

I have now evaluated all the grievance materials you submitted, the finding of the department chair, and the report from the College Advisory Committee. I concur with the finding of the College Advisory Committee; your grievance is without merit. Based on the information in the document you submitted I am forced to conclude that (1) in terms of Faculty Handbook procedures your initial effort does not meet the minimal sufficiency requirements for initiating a faculty grievance and (2) your substantive issues document no violations of the faculty handbook.

Procedural Issues

The Faculty Handbook states, in relevant part, that a grievance is initiated when the department chair or department personnel committee receives "... a written claim, supported by objective evidence, alleging that a specified rule, policy, or procedure has been violated, misinterpreted, or misapplied" (section 12.2.3). It appears that your department chair has received a written claim. Further, this claim specifies four sections within Chapter 12 of the Faculty Handbook that is entitled "Faculty Grievance Proceedings." The four specified sections are 12.2.3 (f), 12.2.2 (g), 12.2.3 and 12.2.4.¹ Each section is addressed below.

Section 12.2.2 (f) of the Faculty Handbook identifies grievance issues that fall under the grievance procedures specified in Chapter 12 of the Faculty Handbook. While you cite this provision of the handbook, you provide no objective evidence that issues listed in this section of the handbook have been excluded from the grievance procedures specified in Chapter 12. Thus, you have provided no objective evidence that any of the language in section 12.2.2 (f) of the handbook has been violated, misinterpreted, or misapplied.

¹ I note that you also specify section 12.2.5 of the Faculty Handbook in your letter to me and we are engaged in the specified process at this point.

Section 12.2.2 (g) of the Faculty Handbook specifically states that grievances concerning issues of academic freedom are subject to the grievance procedures specified in Chapter 12 of the Faculty Handbook. While you cite this provision of the handbook, you provide no objective evidence that any matters involving academic freedom have been excluded from the grievance procedures specified in Chapter 12. Thus, you have provided no objective evidence that any of the language in section 12.2.2 (g) of the handbook has been violated, misinterpreted, or misapplied.

Section 12.2.3 of the Faculty Handbook specifies the actions that are sufficient to initiate a grievance proceeding under Chapter 12 of the handbook. While you cite this provision of the handbook, you provide no objective evidence that any of the language in section 12.2.3 of the handbook has been violated, misinterpreted, or misapplied. In fact, I note that the failure on your part to present objective evidence that any of the language in the four sections of the Faculty Handbook you have specified has been violated, misinterpreted, or misapplied is sufficient information, per section 12.2.3 of the Faculty Handbook, to determine that you have not successfully initiated a faculty grievance.

Section 12.2.4 of the Faculty Handbook specifies that a conference will take place after the departmental personnel committee or department chair receives a grievance. You indicate that this conference did, in fact, take place. Thus, you have provided no objective evidence that section 12.2.4 of the faculty handbook has been violated, misinterpreted, or misapplied.

In summary, you have failed to present any objective evidence that the procedures specified in sections 12.2.2 (f), 12.2.2 (g), 12.2.3 or 12.2.4 of the Faculty Handbook were violated, misinterpreted, or misapplied. As a consequence of this failure I believe you have failed to state a grievance.

Substantive Issues

In addition to the sections of the Faculty Handbook that you specify you appear to assert substantive violations of other sections of the Faculty Handbook. Technically I believe that these additional sections of the Faculty Handbook fall outside the scope of your grievance attempt because they are not specified in your charges (refer to section 12.2.3). However, for the sake of expediency, I will address the sections of the Faculty Handbook that appear to be relevant to your substantive issues.

The first substantive issue you attempt to raise involves your assigned teaching load. Section 4.4 of the Faculty Handbook defines expected teaching load for full time faculty as 12 credit hours. The Faculty Handbook places no other restrictions on teaching load. I note that you have been assigned only 9 credit hours. Thus, it is clear that the Faculty Handbook has not been violated, misinterpreted, or misapplied.

The second substantive issue you attempt to raise involves harassment. The Faculty Handbook defines harassment in section 7.8.4 as “. . . conduct based on a person’s race,

religion, national origin, age, gender, sexual orientation, disability, or veteran status” I note that there is no evidence that your membership in one of these protected categories has been used as a motivating factor in any employment decisions, other decisions or as the motivating factor for the conduct of any faculty, staff or administrators in the College of Business. Thus, it is clear that the faculty handbook has not been violated, misinterpreted, or misapplied.

The third substantive issue you attempt to raise involves academic freedom. Section 7.1 of the Faculty Handbook states that “[f]aculty members are entitled to full freedom in research and publications of results” and that “[t]he legitimate exercise of academic freedom and freedom of speech shall not constitute grounds for termination.” I remind you that the Faculty Handbook also states “[i]t is proclaimed with equal fervor that academic freedom does not mean academic license.”

You provide no evidence that you have had your freedom to research or publish any results restricted. You have raised no matters related to classroom content. To date, no termination proceedings against you have been initiated. Your assertion that I scheduled a meeting with you to threaten your employment is false. In combination these factors make it clear that the faculty handbook has not been violated, misinterpreted, or misapplied.

In summary the evidence clearly indicates that no sections of the faculty handbook relevant to the substantive issues you attempt to raise have been violated. Your substantive charges are without merit.

Conclusion

After examining all relevant materials and having considered both those sections of the Faculty Handbook you specify and other sections of the handbook to which you allude in your grievance I have determined that there is no procedural or substantive merit to your grievance. I believe that your efforts fail to meet the criteria sufficient to initiate a formal grievance as identified in section 12.2.3 of the Faculty Handbook. Further, I find no violations of the language in the Faculty Handbook articulated in your efforts to raise substantive issues. Thus, even if you had met the conditions necessary to initiate a grievance, there appear to be no violations of the Faculty Handbook. As a consequence no remedial actions are needed.

c: George Carter, Chair of EFIB
Tony Henthorne, Chair CoB CAC

Enclosure



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To: Harold Doty, Dean
College of Business

From: Tony L. Henthorne, Chair
College of Business Advisory Committee

Date: November 20, 2006

Re: Grievance of Dr. Frank Mixon

The College Advisory Committee met on Thursday, November 16, 2006, to review the grievance filed by Dr. Frank Mixon.

After review of the pertinent sections of the Faculty Handbook and the materials presented, it is the finding of the committee, by a vote of 6-0-0, that no processes have been violated. Additionally, it is the finding of the committee, by a vote of 5-0-1, that the grievance is without merit.