

# The U.S.M. Court of Appeals

by Duane Cobb

"Maybe if . . . they knew better than to blow millions of dollars on a pointless wall in front of campus . . . maybe if they don't own a jet, maybe then I would have an inkling of respect for the administrative bullshit that we call the leadership of USM." – USM student Floyd Maseda, *TSP* [interview](#), 31-August-2010

If you're like me, you're completely befuddled by the whole concept of an appeal of USM's recent program terminations and faculty eliminations. I'm not referring to the process – I understand that the appeals committee is a nine-person panel of faculty governance representatives, the university ombudsman, and four of the five college deans, and that they will submit a report to USM Martha Saunders (in each case) for her consideration. What I'm referencing is the notion that the ultimate verdict on the appeals will be delivered by *Saunders*, the exact same person who penned the very list of program terminations and faculty eliminations that were delivered in the first place, and that will soon be appealed (beginning 18-Oct-2010). What does it mean if/when Saunders rules favorably on an appeal? I suppose that's a matter of interpretation. The problem, though, is that none of the various interpretations will likely be good.

Take for example the possibility that Saunders rules favorably on an appeal after admitting to not having all of the pertinent information and relevant facts when she made the original determination. Doesn't that imply that the work that went into the original determination was, at best, shoddy? Sure it does. Imagine that – Saunders spending too little time on a decision that affects the livelihoods of 29 tenured and tenure-track faculty, their immediate families, extended families, and close friends. How awful is that?

What if the lack of relevant information is the result of a subterfuge carried out by administrators immediately below Saunders on the USM organizational chart, wherein the existing data were hidden from Saunders by these executives. What would such activity say about those who report closely to Saunders? Not something good, that's for sure. What if the relevant data exist, only they were altered by the likes of the same folks referred to just above in order to railroad a specific faculty or a particular

academic program? That would also be a sin, much like the previous hypothetical. Both of these sins are doubly troublesome in that they also imply that Saunders is dupable – that she knows so little about the institution that data can be hidden from her or altered before her in order to make a certain case for termination or elimination look appealing. Finally, I suppose it's also possible that an appeal could be granted as a result of an under-the-table political deal that Saunders makes with an affected party or parties. What does that say about the institution, and its chief executive? Whatever it is, again it is certainly not good, and this view of any of the hypothetical scenarios above could catch the scrutinizing eye of the IHL.

Yes, the whole idea of the same judge who penned the original verdicts soon deciding on the appeals of those verdicts is more than a bit preposterous. Having said all of that, I am betting that at least one appeal, and even up to a few appeals, will in the end be granted by Saunders. Doing so will buy her some needed goodwill from the local community, which hasn't likely thought about appropriateness of this particular process. Many, if not most, of the USM faculty, though, have already made up their minds about the kind of people that are their leaders.