



THE UNIVERSITY OF SOUTHERN MISSISSIPPI

October 3, 2006

VIA HAND DELIVERY

Dr. George Carter, Chairman
Department of Economic, Finance and International Business
Dr. Stanley Lewis, Director
School of Accountancy and Information Systems
Dr. D. Harold Doty, Dean
College of Business
University of Southern Mississippi
Hattiesburg, MS 39405

Re: Grievance

Drs. Carter, Lewis and Doty:

The purpose of this letter is to initiate the grievance procedures set out in the University of Southern Mississippi Faculty Handbook, effective date January 1, 2006.

12.2.3 Filing Grievances. Faculty Grievance Proceedings are initiated when an employee submits a written claim, supported by objective evidence, alleging that a specified rule, policy, or procedure has been violated, misinterpreted, or misapplied. Grievances are initiated by filing a written claim with the chair of the departmental personnel committee or the department chair.

In keeping with the Faculty Handbook, this grievance is being delivered to Dr. George Carter as department chair for Dr. Lindley and Dr. Stanley Lewis as department chair for Dr. DePree. Dean Harold Doty is also being provided a copy as the grievance directly implicates the conduct of a departmental chair. However, because Dr. Doty has publicly supported the actions of Dr. Carter, it is respectfully suggested that neither the department chairs nor the dean are appropriate parties to participate in this grievance. Accordingly, a copy is also being provided to Provost Grimes.

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The following constitutes objective evidence that a specified rule, policy, or procedure has been violated, misinterpreted and misapplied.

EFIB Chair George Carter distributed an e-mail to all EFIB faculty on 18 September 2006 indicating that a faculty meeting was to be held at 12:30pm on 19 September 2006. Dr. Carter's memo, stated as follows:

There will be a faculty meeting at 12:30pm in room JGH 109 on Tuesday, September 19, 2006. I will read a prepared statement to which the faculty will react. Please plan to attend this important faculty meeting.

No agenda was provided. Dr. Carter opened the meeting by reading from a prepared statement which was the next day provided to EFIB faculty. (A copy of the statement is attached as Exhibit A.) Dr. Carter stated that a document entitled "45 Minutes" which is published on a website entitled usmpride.com, and which is attached as Exhibit B, showed that certain individuals are writing about public faculty information that is hurtful and uncomplimentary. Dr. Carter expressed concern about what these unnamed individuals would write about if they were to obtain private faculty information. Among the examples of "private information," Dr. Carter included annual evaluation information. His statement claimed he was uncomfortable having to share private faculty information with other faculty members, such as would be required under a committee governance option, and would be more comfortable making the independent assessment of faculty that is required of the chair without being part of a committee governance structure. He provided no evidence that his fellow elected committee members would violate any confidences.

Dr. Carter's statement concluded by stating that he felt it necessary to resign from the governance committee in order to maintain the independence of his separate evaluation. He stated that after consulting with "University counsel," the opinion of University counsel was that his resignation nullified the Option 2 faculty governance choice that the EFIB had made weeks earlier.

- 1) Dr. Carter's statement that he did not trust Dr. Klinedinst's and/or Dr. Lindley's professionalism, judgment or willingness to follow University rules and procedures constitutes slander of two senior faculty who were elected by their colleagues to participate in departmental governance which requires an appropriate sanction. Dr. Carter offered no evidence for his slander. Significantly, Dr. Carter does not contend that the contents of "45 Minutes" are confidential or false. Rather he claims that the writing is, in his opinion "hurtful and uncomplimentary." Apparently, it is Dr. Carter's belief that adverse personnel action should be taken based on the "hurtful and uncomplimentary" statements of third parties. Dr. Lindley is not the author of "45 Minutes". We will leave Dr. Klinedinst, who was apparently trustworthy enough to previously

hold the position of EFIB chair, to confirm whether he is the author, but we have no reason to believe that is the case.

- 2) Dr. Carter unilaterally took actions unsupported by the Faculty Handbook which voided the legitimate vote of the faculty to adopt the committee and governance form of government.
- 3) Dr. Carter provided information to selected faculty whom he believed would support his position while denying the same information to others. This questionable conduct is evidenced by the fact that Associate Dean Niroomand had procured two proxies from USMGC faculty when other faculty had no knowledge of the purpose of the meeting.
- 4) Faculty Handbook section 8.2.9 specifically provides that *“Proxy is expressly proscribed in all deliberations involving the evaluation of academic staff members and in all deliberations involving personnel recommendations relating to academic staff members.”* Dr. Carter’s actions constitute a personnel action in that his unilateral decision mandated the removal of senior faculty from a governance committee. The seriousness of the adverse personnel action is obvious, particularly when considered in conjunction with Dr. Carter’s publicly stated claim that two faculty members, selected by their colleagues to participate in their governance, lack professionalism, judgment or willingness to follow University rules and procedures.
- 5) Dr. Carter’s decisions to void the shared governance option selected by the faculty are based on what he admits is public speech. While he deemed those statements “hurtful and uncomplimentary” – but truthful – his actions are intended to silence faculty who may disagree with his actions, thus constituting a violation of academic freedom.
- 6) All faculty within the College of Business have an interest in this grievance. If a department chairman is permitted to resign from a properly elected shared governance option, he renders this choice subject to the whim of the chair and, therefore, meaningless and a fraud on the governance process.

The grievances asserted in this letter concern matters controlled by the Faculty Handbook

12.2.2 Grievance Issues. Faculty Employment Grievances apply to:

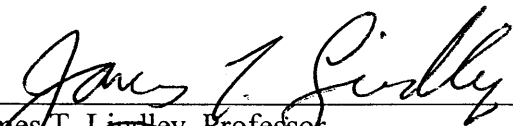
- (f) grievances alleging a violation, misinterpretation or misapplication of a rule, policy or procedure in relation to personnel policies, procedures, or

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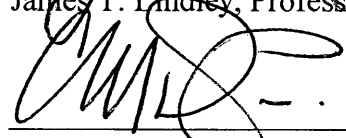
practices including teaching assignments, working hours, release time,
general working conditions, nonacademic leave, employment benefits, etc.

(g) academic freedom.

Respectfully submitted,



James T. Lindley, Professor



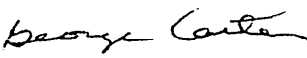
Chauncey M. DePree, Jr., Professor

Enclosures

cc: Provost Darrell J. Grimes (with enclosures)

DEPARTMENT OF ECONOMICS, FINANCE, AND INTERNATIONAL BUSINESS
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MEMORANDUM

To: Harold Doty, Dean
From: George Carter, Chair 
Copy: Department Faculty
Subj: Department Personnel Committee Election
Date: September 19, 2006

The Department faculty met at 12:30pm on Tuesday, September 19, 2006. Present were: Carter, Clark, Dakhli, Green, Gunther, Haggard, Hood, King, Klinedinst, Lambert, Lindley, Marvasti, Mixon, Monchuk, Niroomand, Nissan, Salter, and Sawyer. Niroomand had written proxies for Malik and Shi.

Carter called the meeting to order and read the following prepared statement:

The 45 Minutes document showed us that certain individuals are writing about public faculty information in an uncomplimentary, derisive, and hurtful manner. The question rises, therefore, about what those individuals would write should they obtain private faculty information. Consequently, I have seriously reviewed my responsibility for protecting private faculty information (such as your annual evaluations, student and parental complaints, and other sensitive material). Much of this sensitive material is known only to me as chair. When I resigned as chair before, I disposed of it, and I will dispose of what I have when I resign as chair this time.

The election of an Option 2 Department Personnel Committee (a committee of two faculty members plus the chair) means that I must now release private faculty information to additional individuals. I am concerned about wider dissemination so I consulted the University Counsel. His opinion is that the Faculty Handbook policies require me to release such information to Option 1 and Option 2 committee members, and I will do so.

In addition, the Faculty Handbook policies require an independent assessment by the chair on Annual Performance Reviews, regardless of option. I will be most comfortable if my independent assessment is prepared independently of the Committee. I, therefore, resign from the Option 2 Committee. This leaves the Department Personnel Committee without the required chair member.

The University Counsel's opinion is that, with my resignation, the department faculty must now explicitly address the Department Personnel Committee choice. Since Option 2 (two faculty members plus the chair) is not a choice, the faculty must choose between Option 1 (three faculty members) and Option 3 (chair only).

Lindley moved, Mixon seconded, that the faculty not vote on an option committee until it received a written opinion from the University lawyer. The motion failed with 5 votes for, 14 votes against, and 1 abstention.

Mixon moved, Lindley seconded, that the results of the motion above be reported to the Faculty Senate and AAUP. Motion failed with 7 votes for, 9 votes against, and 2 abstentions.

The faculty then voted to elect a Department Personnel Committee. On a vote of 8 for Option 1 (three faculty members), 11 for Option 3 (chair only), and 1 abstention; the Department faculty selected Option 3 (chair only) as the Department Personnel Committee for academic year 2006-2007.

The meeting was adjourned.

45 Minutes

In the 45 minutes between 12:15 pm and 1:00 pm, the six new faculty in the Department of Economics, Finance and International Business got their first lesson in the CoB *modus operandi* and in how EFIB chair George Carter executes the administrative script.

During the EFIB departmental governance vote, new economics faculty Sami Dakhli and Akbar Marvasti wished to discuss the three governance options: a committee of three (chair excluded), committee of three (chair included), and committee of one (chair only). Questions were raised regarding historical outcomes, pros and cons, and all the while Carter and other longtime USM faculty looked uneasy. Younger faculty, the ones not new to USM, looked uneasy as well – the boat was being rocked, and the old guys didn't like it one bit – surely this couldn't bode well for the young guys either.

Conspicuous in their absence from the meeting were CoB associate dean Farhang Niroomand, former CoB dean Bill Gunther, and new finance assistant professor Stephen Haggard. Questions were answered and discussion was brief and uneasy. Then, like a gunshot in the night, new finance assistant professor Matthew Hood asked a perfectly reasonable question. Could one abstain from voting? The question is perfectly rational; a new faculty who has only been on campus for a few weeks wished to abstain, perhaps in deference to colleagues more experienced at USM and perhaps in what would, anywhere besides USM, be considered a deft political move.

Hood's question was met with a short answer from Carter, whose response cut Hood off at the knees. Yes, abstinence was possible, but to abstain is not a good way for an assistant professor to start off his career, shirking his departmental responsibilities. Hood choked this answer down and let it lie. There was Lesson Number One: George Carter, known for his ubiquitous "Happy Day" greeting is referred to privately as the Smiling Assassin, shaking your hand with his right while his left buries a stiletto between your shoulder blades. Robotic and not to be trusted, Carter works for the dean, and don't ever forget it. Hood's lesson wasn't as painful as it could have been, but it was a hell of an introduction for a rookie.

Subsequently Carter called for a vote on the issue, and the results of that vote rocked EFIB and the CoB. For the first time in many years, a CoB department would have a committee structure for personnel issues as outlined in the USM faculty handbook. Shock registered on the faces of the old timers as they realized that Carter would not have the only say in the 2006 annual evaluations for EFIB faculty – governance option number two had won. Shock was quickly replaced by thinly veiled anger, but the old timers knew what to do.

Carter called for nominations to round out the committee and suggested that, in addition to the requisites specified in the USM faculty handbook, the members be tenured full professors. Someone suggested that the names of all tenured full professors be slated and that those unwilling to serve could decline nomination, a suggestion that drew visible wincing from professor of economics Charles Sawyer. Carter ignored the suggestion, but all tenured full professors were eventually nominated explicitly by professor of economics Frank Mixon, so Carter wrote the names of all eligible full professors on the board. Almost immediately, Sawyer and professor of economics Ed Nissan declined to be nominated. Carter's response was simply, "That's their right." Lesson Number Two: while untenured assistant professors are expected to toe the line, do the work, shut their mouths, and not complain when given the short end of the rewards stick, old timers get to shirk responsibility that accompanies advanced rank, all the while reaping benefits of someone who actually does work. Sawyer is the king of shirking, having spent a career avoiding conflict for fear that principle might cost him a nickel or two. Maybe he learned at the feet of Nissan, who has been avoiding any responsibility since the 1970's. The old timers had a plan, however.

Working in silent concert, the old timers moved to block the election of anyone who might rock the boat. Like using a sixth sense, old timers gravitated to the names of Bill Gunther (former dean who was not even present at the meeting) and Mark Klinedinst (former EFIB chair), placing them among the top four vote getters to join Carter on the three person committee. However, professor of finance Tom Lindley beat Gunther out for the right to join Klinedinst and Carter as the EFIB Personnel Committee. Here was Lesson Number Three: the old timers naturally gravitate to the least threatening, best outcome for their rent seeking behavior. In this case, several old timers voted for Gunther and Klinedinst, two former CoB administrators who certainly would not rock the boat. Boat rockers are unwelcome in the CoB.

Old timers were now reeling. Tom Lindley on the committee? How would the traditional manipulation of the Cob evaluation and raise system continue with a vocal outsider involved? Heads were visibly shaking. Sawyer's head dropped into his hands. It was beautiful. Carter kept his composure, but he was seething behind his affected smile. EFIB tenure and promotion representatives still had to be chosen, but tenure and promotion are small potatoes for tenured faculty who are all very close to retirement when compared to potential raise money.

In 45 minutes, new faculty in EFIB learned three very valuable lessons. In 45 minutes, they had an opportunity to see some of senior faculty for who they really are. In 45 minutes, the groundwork for change in EFIB was laid. Had those 45 minutes gone true to form, business as usual would reign in EFIB, as it does in the CoB. Maybe the next 45 minutes will change the CoB.