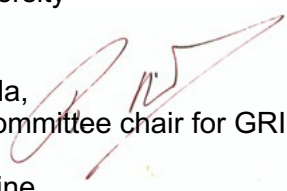


March 26, 2020

Re: Committee report on GRIEVANCE CASE: 2019-03-LEONARD BRIGHT

To: Geoffrey J. Booth
Chair, Texas A&M University Grievance Committee
Texas A&M University

From: Rajesh C. Miranda, 
Grievance sub-committee chair for GRIEVANCE CASE: 2019-03-LEONARD BRIGHT
Professor,
College of Medicine
Neuroscience and Experimental Therapeutics

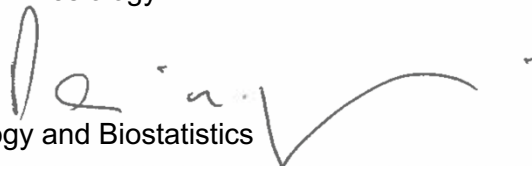
Srividhya Ragavan
Professor of Law
Texas A&M University School of Law

E-mail approval appended

Tamika Gilreath
Associate Professor
College of Education and Human Development
Department of Health and Kinesiology

Signature appended

Dennis Gorman
Professor
School of Public Health
Department of Epidemiology and Biostatistics



Guy Battle
Professor
College of Science
Department of Wildlife and Fisheries Sciences

E-mail approval appended

- 1.1. The grievance review committee (henceforth, the '**GRC**'), consisting of Drs. Srividhya Ragavan, Tamika Gilreath, Dennis Gorman and Guy Battle was constituted on December 16th, 2019, to investigate allegations made by the **grievant**, Dr. Leonard Bright, Tenured Associate Professor, Department of Public Affairs and Administration (PSAA) in the Bush School of Government.
 - 1.2. The primary **grievands** in this investigation were (**A**), Dean Mark A. Welsh III, Dean and Executive Professor, and the Edward and Howard Kruse Endowed Chair, Bush School of Government and Public Service, and (**B**), Dr. Lori Taylor, Professor and Head of the Department of Public Service and Administration, Bush School of Government and Public Service.
 - 1.3. During the course of investigations, the **GRC** also interviewed two '**fact-witnesses**', Dr. William (Bill) West, Professor, and Sara Lindsey Chair, and former department head, Bush School of Government and Public Service, and Dr. Blanca Lupiani Dean of Faculties and Associate Provost, Texas A&M University.
- 2. Scope of the allegations:**
- 2.1. The allegations that were the content of this grievance, were provided to Dr. Lupiani in two

documents dated October 29, 2019 (**Grievance GR#1**), and November 16, 2019 (**Grievance, GR#2**). GR#1 contained allegations of cheating related to the conduct of the evaluation of Dr. Bright, for promotion from Associate Professor to Full Professor, which resulted in denial of promotion. GR#2 contained allegations related to a subsequent annual review that was viewed as adverse, containing inaccurate and damaging content. Supporting documentation was provided by both the grievant and grievands and were also reviewed by the **GRC**.

3. General/historical Background:

- 3.1** The Department of Public Affairs and Administration (PSAA) in the Bush School of Government is a relatively small department, in a small college, with few tenured professors, including both associate and full professors. The lack of a critical mass means that faculty are called upon to play multiple 'gate-keeper' roles in areas of promotion and tenure, that at times, gives the appearance of conflict of interest. There is also a lack of diversity in the faculty body (acknowledged by Dean Welsh), which may result in the emergence of a cultural 'group-think' that disfavors culturally non-aligned minorities. In this context, Dr. Bright, the sole African-American tenured faculty member, has the appearance of a social isolate within this department.
- 3.2** Because of the small size, there is a reliance on ad-hoc committees that are created to fulfill specific needs, like reviewing decisions rendered by department heads. The small size of the department and college complicate the effects of relying on ad hoc committees, since these committees have a high probability of including only people that the leadership has an affinity with. For example, the dean-appointed ad hoc committee that reevaluated Dr. Bright's annual review, was clearly composed of people (like another dean, Dr. Andrew Morriss) that may be expected to have affinity for the leadership and a disproportionate influence on outcomes, particularly if there was a significant power asymmetry between committee members. While this composition may in fact be innocuous, it gives the appearance of being to the contrary. *Appearances do count*. The reliance on ad hoc committees also means that implicit biases have the possibility of being propagated.
- 3.3** The small size of the faculty also means that there are limitations to the effectiveness of shared governance. For example, the department head of PSAA, Dr. Taylor, indicated that there was effectively, no independent input into her annual evaluations of faculty, and that there was no associate department head or advisory committee to vet and/or temper opinions proffered by the department head. The absence of formal faculty governance structures means that no moderating influence protects against any inconsistent and capricious decisions. While a new department head, certainly has within their purview, the right to set expectations and standards, these need to be applied uniformly, with adequate warning, and with some consideration of continuity with previously promulgated standards and expectations.
- 3.4** The grievant, Dr. Bright, was hired as an Associate Professor with Tenure in 2011. He is the sole tenured African-American faculty member in that department or college. All other faculty who are persons of color are non-tenured. One other tenured professor, who was a person of color, left A&M previously. During Dr. Bright's tenure at A&M, the Bush school was headed by 3 deans. There were also 4 different department heads (one served at two different points in time, once as interim head), including Dr. West, who served as interim head. The current department head, Dr. Lori Taylor was promoted to full professor at A&M prior to Dr. Bright's promotion assessment, and assumed the position of department head in 2018.
- 3.5** At the time of his hire, Dr. Bright's _____ was also hired in a part time teaching role.
- 3.6** In 2013, (during Dr. West's tenure as interim department head), Dr. Bright was also appointed to the position of vice-dean of Graduate education. The letters provided by Dr. Bright, clearly show that the leadership of the Bush School valued his service in that position. However, it is disquieting to note that Dr. West characterized *the position of vice-dean as undesirable and not a job that anyone would want to do* (this point will be brought up later). Dr. West also resisted Dr. Bright's apparently legitimate requests, in his capacity as vice-dean for graduate education, for information about students in the 3+2 program. Shortly after that conflict over administrative responsibilities, Dr. West terminated the appointment of Dr. Bright's _____. Dr. West, maintained, when

interviewed as a fact witness, that he was within his rights to terminate the appointment of Dr. Bright's with no explanation, due to position as an adjunct. However, he did proffer an explanation to the **GRC**, that the teaching position was needed for someone else. It is also disquieting to note that Dr. West characterized Dr. Bright as a liar, suggesting a high level of antipathy (in fairness, it appears that Drs. West and Bright have a mutual sense of antipathy, though Dr. West's position as chair of the promotions committee lends power asymmetry to such antipathy). These instances of conflict may be coincidental and innocuous, but may equally point to the existence of a toxic and retaliatory culture. However, they do provide context for Dr. Bright's grievance.

- 3.7 In 2016, Dr. Bright moved from his role as Assistant Dean at the Bush School, to the role of Assistant Provost for Graduate Studies at TAMU. His annual reviews suggested that he was effective and valued in this new role. Moreover, the testimony of the Dean of Faculties indicates that he was personable, friendly and professional in this role (this is a point that will be brought up later, because it contrasts with characterizations of Dr. Bright's behavior by Dean Welsh).
- 3.8 During this period, Dr. Bright received uniformly positive annual review evaluations for his teaching, research and service. He also successfully passed his post-tenure review.
- 3.9 Dr. Bright stepped down from his role as Assistant Provost in 2018 to return to full-time duties in the department. His full-time commitment to the department, as outlined in his annual review letter were divided as follows: *60% effort towards teaching, 30% effort towards research and 10% effort towards service*. At this time, Dr. Bright also initiated a request for promotion to professor and subsequently received the first obviously adverse annual review from the newly appointed department head, Dr. Taylor.

4 Grievance GR#1: Allegations of cheating related to the conduct of the evaluation of Dr. Bright, for promotion from Associate Professor to Full Professor.

4.1 Issue#1, Recusal of Dr. West from the review process.

- 4.1.a Paragraph 3.6 outlines a history of conflict between grievant and Dr. West. Dr. West claims that he sought advice on his potential recusal from Dr. Bright's promotions committee, from the Dean of Faculty's office. He indicated that a Sandra (Harnden?) told him over the phone that it would be acceptable for him to serve as chair of Dr. Bright's promotions committee. *However, Dr. Lupiani's testimony did not support Dr. West's version of events*. According to Dr. Lupiani, Sandra would never have given such advice, but would have referred the requestor to the DOF for further consultation. Moreover, Dr. Lupiani outlined what is a well-accepted standard, that, 'if an individual feels that they are in conflict, then they should recuse themselves'. *The appearance of conflict of interest matters, and is enough grounds for recusal*.
- 4.1.b **Finding:** The **GRC** finds that Dr. West should have recused himself from chairing Dr. Bright's promotions committee. It is highly probable that his continued participation contaminated the promotions process.
- 4.1.c **Recommendations:** The **GRC** recommends (a) That the DOF provide written instructions for standards for recusal when a request is made. (b) Train and require staff to maintain written records of inquiries (whether initiated verbally or otherwise) by responding via e-mail to all such inquiries with a summary of the discussion/recommendation, and (c) document the outcome of these inquiries and include them with a candidate's promotion files.

4.2 Issue #2, Inappropriate selection of non 'arms-length' referees and inappropriate elimination of referees from Dr. Bright's list.

- 4.2.a The grievant, grievands and one fact witness (Dr. West) all agree that a majority of referees from Dr. Bright's list were eliminated and that multiple referees from the same institution were solicited and responded. It is also not disputed that some of these referees were former Texas A&M faculty who were known to, and associated with Bush School faculty. The position of Dr. West was that Dr. Bright's list was comprised of referees who (a) were unacceptable because they did not come from peer institutions or (b) declined to provide a letter. In response to these

concerns being raised, Dr. Bright did provide an expanded list of referees. but these were not fully utilized either. As chair of Dr. Bright's promotion committee, Dr. West, in his oral testimony, attributed their difficulty with finding willing referees to Dr. Bright's failure to achieve a sufficiently high research reputation.

- 4.2.b** However, the testimony of Dr. West is contradicted by testimony provided by DOF, Dr. Lupiani. Dr. Lupiani indicated that across the entire Texas A&M University, promotions committees are finding it increasingly difficult to obtain referee letters, and that if the promotions committee does not act early, it is likely to meet with rejection from over-committed referees. *In other words, , there is a significant probability that the failure of the promotions committee to obtain letters is not a negative reflection on Dr. Bright, despite testimony to the contrary.*
- 4.2.c** Given the documented perception of conflict of interest outlined in 4.1, the fairness of referees who were former Texas A&M faculty colleagues or members of the Bush School is also questionable. **GRC** members expressed discomfort with what was felt to be an inappropriate degree of proximity between referees and Bush School faculty. It cannot be definitely determined that their referee letters were not also contaminated by their association with, and proximity to a perceived conflict of interest. *Therefore, caution must be exercised in interpreting those letters.*
- 4.2.d** The DOF, Dr. Lupiani also testified that the goal, to obtain referee letters from peer institutions, was aspirational, but that many promotions committees across A&M have petitioned, and received permission, to utilize people at institutions that fell outside those guidelines. Dr. Lupiani did not recollect the PSAA promotions committee making such a request. According to Dr. West's testimony such a request was not considered for any of the people from Dr. Bright's list. At the very least, this indicates a lack of support and effort to request and obtain as many letters as needed/possible for Dr. Bright's promotion case. At worst it may indicate a concerted effort to derail the case for Dr. Bright's promotion. *Regardless, such inaction emphasizes the view from the outside, that Dr. Bright was an isolated member of this department.*
- 4.2.e** The standards applied to Dr. Bright are likely to have a disparate impact, because of his race. As indicated in 4.2.a, the value of Dr. Bright's promotions package was inappropriately diminished because of the inability of the committee to find referees. Complicating the already documented difficulties with finding referees across TAMU, are the special circumstances surrounding faculty of color. Underrepresented minority (URM) faculty have been reported to have smaller co-author networks and the reach of these networks is also smaller (Warner et al., 2016), which is likely to be a significant barrier to reputational advancement. URM faculty are also more likely to experience isolation, lack of mentoring and disrespect (Pololi et al., 2010). Not surprisingly, these structural impediments within institutions can have significant consequences for future success. For example, an analysis of applications for grant funding from the National Institutes of Health showed that Black faculty applicants had fewer publications, with fewer citations and that these citations were in lower impact factor journals than white applicants. These differences explained 52% of the black/white funding gap for NIH grant funding (Ginther et al., 2018). Further, *even after controlling for publication record*, black faculty are 10 percentage points less likely than white faculty, to receive NIH funding (Ginther et al., 2011), suggesting that black faculty disproportionately experience structural and systemic impediments to success. It has been shown that URM, and particularly black faculty have decreased support networks, experience institutional isolation, are less likely to be at top 100 funding institutions, and have to contend with significant systemic barriers to success. Consequently, URM faculty are less likely to be promoted than white faculty (see for example (Abelson et al., 2018; Fang et al., 2000)). To wit, in the case of Dr. Bright, the selection of "appropriate" letter writers without requesting special provision and/or formal guidance from the DOF office likely put his promotion case at an unfair disadvantage. Greater social capital within his small unit (including the recusal of Dr. West from chairing the committee) might have led the promotions committee to take a more holistic view at whether the referees he listed had made significant contributions to the field versus simply dismissing them for not being at

“peer/aspirational” institutions. *It seems in this instance, that standards and perceptions for what constitutes ‘appropriate referees’ may have had a disproportionately adverse impact on faculty of color.* In this relatively homogenous Bush School, it is therefore greatly concerning that grievants and fact witness appeared to not comprehend concepts like *disparate impact*.

- 4.2.f Findings:** The **GRC** finds that the process of referee recruitment was flawed, possibly contaminated by conflicts of interest, inappropriate interpretation, and, at least with respect to Dr. Bright, did not adequately utilize the flexibility offered by the DOF, and likely resulted in a disparately adverse impact. Statements like, “it was difficult securing external reviewers to assess Dr. Bright’s research” are indeed prejudicial, and in the **GRC**’s opinion, the initiating sentiment behind that statement unacceptably contaminated the review process.
- 4.2.g Recommendations:** The **GRC** recommends that the DOF provide guidance to promotions committees and candidates (so that they may advocate for themselves) on (a) potential flexibility in the standards and rules for seeking referee letters and (b) training in implicit bias and disparate impact.

4.3 Inappropriate recusal of Dean Welsh and appointment of an alternate dean to oversee Dr. Bright’s promotions process.

- 4.3.a** As outlined in section 4.1, “The appearance of conflict of interest matters, and is enough grounds for recusal”. Though there may not be a formal mechanism, the actions of Dean Welsh in this case are judged to be correct. If he felt that there was a conflict of interest, then he had an obligation to recuse himself, and it was well that he did so. Moreover, DOF, Dr. Lupiani testified that the alternate dean had been chosen with some attention to fit, since the Bush School had originated from the political science department and therefore appointing a liberal arts dean as an alternate represented a good fit.
- 4.3.b** The reasons for Dean Welsh’s recusal are troubling. The **GRC** recognizes and appreciated the fact that Dean Welsh appears to be aware and genuinely concerned about the lack of diversity in the Bush School faculty, and outlined several steps and plans to overcome this deficit. However, it is troubling that as grounds for recusal, Dean Welsh characterized Dr. Bright as *being aggressive, bullying, not civil, not respectful*. This characterization stands in contrast to the DOF interactions with Dr. Bright, (see section 3.7). The DOF did indicate that Dr. Bright was a large individual, the implication being that his size could make him seem threatening. **The GRC hopes that Dean Welsh and the DOF recognize that characterizing African-American males as large, aggressive and not respectful, evokes an awful and damaging Jim Crowe-era stereotype, a stereotype that should be assiduously shunned.** Moreover, Dean Welsh and the DOF should attempt to see things from the perspective of the grievant. *If you felt isolated and railroaded by the community, would you not be expected to engage in an aggressive and vigorous verbal defense?*
- 4.3.c** Lack of Dean Welsh’s recusal from the subsequent review of Dr. Bright’s annual review (see below, section 5). It is curious that Dean Welsh did not continue to recuse himself from future oversight of Dr. Bright. Dean Welsh’s recusal from the promotions review was an appropriate affirmation of an inability to be fair and impartial. According to the DOF, however, recusal on that basis cannot and should not be reversed. *You cannot un-ring the bell.* The **GRC** agrees with the DOF’s verbalized position that it is inappropriate for Dean Welsh to have provided oversight over Dr. Bright’s annual review.
- 4.3.d Findings:** The **GRC** finds that it was appropriate for Dean Welsh to recuse himself, though the underlying reasons for recusal are troubling. However, the recusal should be permanent. Perceptions of bias cannot be un-perceived.
- 4.3.e Recommendations:** In recusing himself, Dean Welsh behaved appropriately in this instance. However, the DOF needs to train deans and other administrators in implicit bias and the impact of words and perceptions on the success of minority faculty.

4.4 Overall Recommendations: The promotions process having been contaminated by the failure to recuse, and by other problems should be started anew and without prejudice. Every effort needs

to be made to ensure that implicit bias is eliminated from promotions committees. Promotions committees should also balance the need to find excellence with faculty advocacy.

5 (Grievance, GR#2). Allegations related to a subsequent annual review that was viewed as adverse.

- 5.1** The **GRC** recognizes that a department head has the obligation and responsibility to perform annual reviews and to help departments and faculty to set standards. A new department head may well advocate for new standards to improve the department and strive for excellence. Suggesting ways for the faculty to improve the impact of their research is also well within the purview of the department head's job description. Dr. Bright previously received good annual reviews, but Dr. Laurie Taylor, as a new department head, would be acting within her mandate to alter expectations for faculty
- 5.2** Despite the above position, the **GRC** strongly suggests that new department heads seek consensus, and consider incremental improvements. It was surprising to note that Dr. Taylor does not make use of an associate department head or an advisory group to help reach consensus decisions. The small size of the department cannot excuse the department head from her responsibility to build consensus. It may also be useful to engage departmental faculty collectively in the process of annual review.
- 5.3** The department head's review, especially making use of subjective Likert scales, is open to charges of bias, especially in the context of a previous, contentious promotions process (Grievance GR#1). Below are the four specific, numbered issues raised in Dr. Bright's second grievance dated November 16, 2019.
- 5.4** Dr. Bright wants to know the justification of Dr. Taylor's statement in his revised annual review that his "research activity was less than expected from an Associate Professor". If such justification cannot be provided, he asks that this statement be "struck from my record".
- 5.4.a** It is not clear if the **GRC** is in a position to do a line-by-line review of annual reports.
- 5.4.b** At a broader level, the PSAA Department does not appear to have specific annual review standards for research activities, such as number of papers and impact factors of journals in which these should be published.
- 5.4.c** If the Department is to move forward in reviewing faculty members in such a way, it should develop specific guidelines (e.g., use a point system for papers published in journals with different factors impact or in different tiers [e.g., using Scimago]) and uniformly apply these to all faculty members.
- 5.4.d** In the absence of such standards, Dr. Bright has reason to be concerned.
- 5.5** Dr. Bright objects to Dr. Taylor's two statements in his revised annual review that question the quality of the journals in which he has published and notes that such concern has not been raised in previous reviews of his research and that the PSAA Department has no specific standards regarding journal impact factors and citation counts. He is concerned that, in the absence of such standards, these *ad hoc* criteria will be differentially applied to faculty members in their annual reviews. He requests that if Dr. Taylor cannot be provided justification in terms of formal departmental guidelines pertaining to the use of journal impact factors and citation counts in annual reviews, these statement "be struck from my record".
- 5.5.a** Again, it is unclear that the **GRC** is in a position to perform a line-by-line review of annual reports.
- 5.5.b** At a broader level, the PSAA Department does not appear to have specific standards regarding journal impact factors and citation counts and how these are to be used in faculty annual reports.

- 5.5.c** If the Department is to move forward in reviewing faculty members in such a way, it should develop specific guidelines (e.g., use a point system for papers published in journals with different impact factors or in different tiers [e.g., using Scimago] and uniformly apply these to all faculty members.
- 5.5.d** In the absence of such standards, Dr. Bright has reason to be concerned.
- 5.5.e** The department head should also recognize that **citation counts, and impact factors can be misleading**. Narrow fields, and the journals that serve them may garner few citations in terms of numbers, but the impact of each citation on the field as a whole can be very large. It should also be recognized that the impact factors of journals change with time, increasing when a field attracts more interest, and decreasing afterwards. Journal impact factors may also be manipulated, and can be altered by factors that have nothing to do with the scholarship of the papers published by that journal (see (Kiesslich et al., 2016)). The inherent flaws in understanding and interpreting journal impact factors has resulted in some prestigious scientific societies like the American Microbiology Society, choosing to remove all impact factor information from their journal websites (see (Casadevall et al., 2016)). Moreover, documented racial disparities with respect to impact factor records between URMs and white faculty (see section 4.2.e), should give the department head some cause for reflection about the appropriateness of rigidly adopting an impact factor-based standard.
- 5.5.f** The **GRC**'s advice is to not place an overreliance on journal impact factors when judging the value of scholarship. *Using only citations and impact factors for judging research quality has the perverse effect of eliminating some fields of study and may constitute an undue burden on academic freedom.*
- 5.6** Dr. Bright objects to the inclusion of a statement in his revised annual review pertaining to the implications of him having declined Dr. Taylor's invitation to serve on University, School and Department committees. Specifically, she stated that if he continued to decline such invitations, she would be forced to conclude that his service activities for the forthcoming year would be "unacceptable". Dr. Bright describes this as a "threat" and asks that the statement be struck from his record if it cannot be demonstrated that refusing all service requests from Dr. Taylor is equivalent to unacceptable service according to the PSAA written service standards.
- 5.6.a** The **GRC** was divided in their opinion about whether the language used by Dr. Taylor was threatening. Some members of the **GRC** considered that this statement did not appear especially threatening, while other members found it to contain a threat.
- 5.6.b** On one hand, we have been critical of senior faculty members in the PSAA Department who did not give Dr. Bright clear guidance when he sought their advice about his promotion to Professor. In light of this, it would be problematic to be critical of the Department Head when she gives Dr. Bright clear advice about his refusal to engage in any University, School or Department service. If she failed to do this and then gave him an unacceptable review based on this lack of service, a grievance committee would likely ask her why she did not discuss it with him in the course of the year. Some service to the Department seems inevitable. Refusing to serve on tenure and promotion reviews, for example, imposes external costs on other faculty members, especially in small departments
- 5.6.c** On the other hand, it could be argued that a discussion of events that have occurred after the annual review period in question do not belong in the annual review document. In this case, the Department could have added a section in the review pertaining to plans for next year, and the Department Head and faculty member could discuss the implications for the faculty member if his/her plans included no University, School or Department service.
- 5.6.d** Finally, it would be reasonable for a department head to recognize that Dr. Bright was denied promotion entirely because of assessed deficiencies in research (which was assigned 30% effort). His teaching (assigned 60% effort) and service (10% effort), including service as vice dean and vice provost appeared to count for nothing. In the context of recent denial of promotion due to lack of research productivity, it would be reasonable for a faculty member to pull back on their apparently useless service commitments to rebuild their research portfolio. *It*

was not helpful for the department head to suggest that the importance of a task had no relationship to the amount of time spent on that task. It does not make sense to ask faculty to spend most of their valuable time on things that are ultimately judged as unimportant.

5.7 Dr. Bright objects to the composition of the faculty committee convened by Dean Welsh to hear his grievance pertaining to his annual review. This was comprised of the Dean of another Texas A&M University college and two Associate Professors from the Bush School of Government and Public Service. He contends that the junior faculty would be subject to intimidation by the Dean who was serving on the Committee and would be unlikely to challenge his authority and opinions.

5.7.a As outlined in section 4.3, Dean Welsh should have recused himself from oversight of this committee and responsibility for constituting this committee. As pointed out earlier, the bell cannot be un-rung.

5.7.b The composition of this review committee was not well thought out, despite the DOF's assertions to the contrary. This is not a well-constituted School-level committee and Dr. Bright's concerns about the power inequalities that exist within it are well-founded. This type of "faculty committee" should not include a Dean of another School or College, who is alleged to be a close friend of Dean Welsh, who in any case should have recused himself.

6 Service burdens accruing to Dr. Bright: It is clear that Dr. Bright has performed extensive service throughout his tenure at TAMU, first as a vice-dean and secondly as an assistant provost, in addition to other miscellaneous service. In the context of Dr. West's assertion that the position of vice dean was something that no one else wanted to do, it appears that Dr. Bright was ill-served by the senior faculty of the department. If service as vice dean had such low value, why was Dr. Bright encouraged to engage in such service? *Senior faculty including Dr. West should have advised Dr. Bright clearly that such service would have no value.* Moreover, since it is documented that minority faculty engage in disproportionate service (Whittaker et al., 2015), not advising Dr. Bright about the low value of such service represents yet another example of disparate impact on Dr. Bright's career and promotion prospects, and lends credibility to the assertion that Dr. Bright was isolated within the department.

7 Concerns about discriminatory practices and other ancillary issues

7.1 There is a clear set of facts outlined by Dr. Bright, that is not disputed by either the grievants or the fact witnesses. For each event viewed in isolation, there is then, a plausible case for denial of bias or animus. However, as the villain in the James Bond movie famously said, "once is happenstance, twice is coincidence, the third time it's enemy action". Therefore, the sum totality of events outlined in the grievances and supporting documentation, does give an outsider pause. Perhaps there is indeed a case to be made, if not for outright racial discrimination, then certainly for the pervasive presence of implicit bias and disparate impact. At the very least, Dr. Bright, the sole African American tenured faculty, appears to be isolated and according to the testimony of others who were interviewed, was not adequately advised and mentored. Based on the evidence provided and the interviews, the overall reaction of the **GRC** was that his claim of discrimination seemed justified.

7.2 Overall, the atmosphere in the department was such that the **GRC** strongly felt that the work environment for Dr. Bright was unfriendly and hostile.

7.3 At the outset, there was a remarkable lack of racial empathy. All three members we interviewed emphasized the smallness of the department. Dr(s) Welsh, West and Taylor mentioned that they take care of each other in the department. Given the emphasis on collegiality otherwise, the general lack of empathy or collegiality that all three members displayed against Dr. Bright signified that relationships were sufficiently strained such that Dr. Bright would construe the environment as hostile towards him.

7.4 For a public policy-focused department, diversity is an important criterion. The department members acknowledged that they struggle to become more diverse. Yet, the overwhelming feeling that the **GRC** got was that the department was not fully sensitive to racial issues. We also felt that the department did not go far enough to take steps to retain and recruit minorities. Interviewed department members appeared to be unaware of concepts like disparate impact or implicit bias. At least one department member wondered whether the **GRC** wanted them to apply lesser standards to minorities. This, to the **GRC**, reflected lack of sensitivity to the realities that universities face in their efforts to recruit, mentor and retain highly qualified URM faculty.

7.5 Dr. West specifically mentioned that a big part of the promotion process included asking others for an “informal assessment” of whether one is ready for promotion. It was clear that a faculty member in the department could not completely rely on the objective criteria for teaching, service and research as being determinative of the promotion process. Yet, apparently, no one objectively guided and advised Dr. Bright not to apply for promotion, presumably because he was not ready. Given the lack of collegiality towards Dr. Bright, the fact that Dr. West did not get along with him, the **GRC** felt that the “informal assessment” clearly hurt Dr. Bright as the sole tenured African American faculty member in the department who did not get the benefit of advice that someone else would have.

7.6 With respect to the annual review authored by Dr. Taylor, she agreed that she was fully aware of the 60% teaching, 30% research and 10% service requirement in Dr. Bright’s letter. Yet, her overwhelming focus in the annual review was on research. When asked about this by the **GRC**, she mentioned that “everyone knows that the focus was on research.” If that was the case, it was unclear as to why that was that not communicated in writing? To the extent that Dr. Taylor assumed what everyone else knows, it seemed like the department clearly changed course drastically and without due notice considering that Dr. Bright’s previous annual reviews were good and also seemed to comport with the 60:30:10 ratio. In any case, generally, written terms should form the basis for reviews and promotions, which in this case did not happen.

8 RECOMMENDATIONS FOR DR BRIGHT

8.1 The **GRC** believes that the claims of inherent bias that Dr. Bright has raised seem justified under the circumstances

8.2 The **GRC** believes that Dr. Bright should be entitled to a fair review for promotion by following the guidelines of the PSAA department strictly and by ensuring that members solicited to write the report are impartial and at arms-length with each other as required by the guidelines

9 RECOMMENDATIONS FOR THE PSAA/BUSH SCHOOL

9.1 All members of the department except Dr. Bright should be subject to mandatory and in-person diversity training

9.2 The department should be clearly instructed to do their best to hire racially diverse faculty for the next four to five hires.

9.3 The DOF should commission a mediation, such that the air with Dr. Bright is cleared with all members of the department, such that there is mutual respect

9.4 It will not be out of line to have someone talk with Dr. Bright to understand his frustrations, perhaps have him go through training as well to clear some air and have a mediator work with everyone in the department to clear the air. The DOF should perhaps take this up with some level of urgency.

10 GENERAL RECOMMENDATIONS FOR THE DEAN OF FACULTIES

10.1 It is possible, even likely that I would think that some of the disputes brought before the University Grievance Committee will be further litigated in a court-of-law. For the DOF, it is imperative to take remedial actions with some level of urgency, so that the University proactively deals with potential systemic deficiencies:

- 10.1.a** The DOF should include a note on the guidelines regarding conflict of interest. All employees at the DOF office should be informed in writing to provide all guidance on the subject only in writing.
- 10.1.b** DOF should be conduct mandatory training for all deans, department heads, administrators on diversity, inherent bias and tolerance to proactively avoid such issues in the future and as part of TAMU's diversity initiative.
- 10.1.c** The DOF should conduct workshops using DOF members in interested units on the true value of the University Grievance process and its purpose. This will help the departments actively resolve disputes internally and create a positive work environment and culture that serves to mitigate, as opposed to escalate grievances—the establishment and maintenance of practical as opposed rhetorical application of the AGGIE Code and the AGGIE Core Values.
- 10.1.d** DOF should perhaps consider instructing all departments, schools, deans and units with some urgency to do the following:
 - 10.1.d.1** to be mindful of and identify their “centers of power” and ensure that there is both racial and gender diversity in these centers of power. Centers of power are typically department heads, associate deans and such other positions served by tenured faculty. Using evidence for gender diversity as an excuse to not include racial diversity exacerbates issues of race.
 - 10.1.d.2** to take active efforts to recruit and retain diverse faculty not just at the units but also as part of centers of power and to recycle these positions at reasonable intervals of 3 to 4 years to prevent accumulation of power by a few people.
- 10.1.e.** The DOF needs to specifically educate deans and other administrators on the disparate impact on diversity of not duly appointing diverse candidates in centers of power and rotating them periodically for those positions within reasonable timeframes of 3 to 4 years.
- 10.1.f.** The DOF needs to consider adopting the revised SAP 12.99.99.M0.01 (as recommended by the Texas A&M University Grievance Committee) with some urgency.

11 References:

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[EXTERNAL]Signature

Guy Battle <battle@math.tamu.edu>

Thu 3/26/2020 4:05 PM

To: Miranda, Rajesh C <rmiranda@tamu.edu>;

To Dr. Geoffrey Booth

Chairman of the UGC

Concerning Grievance Case 2019-3

I agree with the content of the Subcommittee Report on the Leonard Bright grievance case.

Guy Battle

Dr Bright final report

[Srividhya Ragavan](#)

Fri 3/27/2020 10:13 AM

To: Miranda, Rajesh C <rmiranda@tamu.edu>;

Rajesh, hi. I would like to sign-off on the report. Please consider this my signature.

Regards,

Sri

Srividhya Ragavan

Professor of Law

[Texas A&M School of Law](#)
[Fort Worth, TX – 76102](#)

UNIVERSITY GRIEVANCE COMMITTEE
BRIGHT Grievances Hearing Subcommittee
(constituted Monday 16 December 2019)




March 26, 2020

Re: Committee report on GRIEVANCE CASE: 2019-03-LEONARD BRIGHT

To: Geoffrey J. Booth
Chair, Texas A&M University Grievance Committee
Texas A&M University

From: Rajesh C. Miranda,
Grievance sub-committee chair for GRIEVANCE CASE: 2019-03-LEONARD BRIGHT
Professor,
College of Medicine
Neuroscience and Experimental Therapeutics

Srividhya Ragavan
Professor of Law
Texas A&M University School of Law

Tamika Gilreath 
Associate Professor
College of Education and Human Development
Department of Health and Kinesiology

Dennis Gorman
Professor
School of Public Health
Department of Epidemiology and Biostatistics

Guy Battle
Professor
College of Science
Department of Wildlife and Fisheries Sciences

- 1.1. The grievance review committee (henceforth, the '**GRC**'), consisting of Drs. Srividhya Ragavan, Tamika Gilreath, Dennis Gorman and Guy Battle was constituted on December 16th, 2019, to investigate allegations made by the **grievant**, Dr. Leonard Bright, Tenured Associate Professor, Department of Public Affairs and Administration (PSAA) in the Bush School of Government.
 - 1.2. The primary **grievands** in this investigation were (**A**), Dean Mark A. Welsh III, Dean and Executive Professor, and the Edward and Howard Kruse Endowed Chair, Bush School of Government and Public Service, and (**B**), Dr. Lori Taylor, Professor and Head of the Department of Public Service and Administration, Bush School of Government and Public Service.
 - 1.3. During the course of investigations, the **GRC** also interviewed two '**fact-witnesses**', Dr. William (Bill) West, Professor, and Sara Lindsey Chair, and former department head, Bush School of Government and Public Service, and Dr. Blanca Lupiani Dean of Faculties and Associate Provost, Texas A&M University.
- 2. Scope of the allegations:**
- 2.1. The allegations that were the content of this grievance, were provided to Dr. Lupiani in two