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**SENATE EXECUTIVE COMMITTEE MEETING**  
**February 5, 2015**  
**12:45 P.M. in SKH 369**

***Present: Wai Mok, Kader Frendi, Azita Amiri, Debra Moriarity, Charles Hickman, James Swain, Michael Banish, Linda Maier***

***Guests: Richard Lieu and Dean Sundar Christopher***

***Provost Curtis and President Altenkirch were not present.***

- Faculty Senate President Wai Mok called the meeting to order at 12:50 pm
- Special Report  
Two guest speakers, Richard Lieu and Sundar Christopher, are present to inform FSEC of certain issues related to an incident happening in the Physics Department. Each gets 20 minutes or so to discuss this issue, without the other present in the room. This is not a part of the grievance process. A bill was put forth by the Physics senators. This bill brings out an issue related to the faculty at large.

- ❖ Richard Lieu  
Richard Lieu thinks this ought to concern everyone, although he wishes it was under different circumstances. It mainly concerns Physics. On January 21<sup>st</sup>, he was summoned to a meeting by Dr. Christopher, Dean of Science. Brent Wren was also there. During that meeting he was given a letter of dismissal as chair of the Physics Department on ineffective leadership of the department. Sundar left the meeting, leaving Brent to talk to Lieu. Brent said they were appealing to Chapter 6.1 of the Faculty Handbook, which states "...final authority for the selection and retention of associate deans, assistant deans, and departmental chairs rests with the academic deans, with the concurrence of the provost."

Two parts of the Handbook are not in harmony. Appendix B says something else, under the *Reassignment of a Department Chair* section: "In unusual circumstances a dean may, on his or her own initiative or at the request of the majority of the eligible departmental faculty, initiate an early review of a chair...a dean may remove a chair with the concurrence of a majority of the eligible departmental faculty and the provost." Our senators are seeking clarification.

Richard Lieu: I wasn't hired by this dean, but by the previous dean, Jack Fix. I served one full academic year under him. I came to office under a time of transition during which half of our department members went off to start a new department, Space Science, under Gary Zank. The department I chaired leads a diverse role. A lot of progress was made under Jack Fix. Positions were approved by President Altenkirch at the time. When the new dean, Christopher, came to office, it happened at the same time that I had some arguments with the administration over some courses in the department of Space Science/Physics. Jack Fix was able to smooth things over well. I think certain things here are due to personality issues.

By mid-September I was told to resign or face removal. I consulted my department, and a good majority of them wanted me to stay.

I informed the dean in mid-September of last year that I didn't want to resign. A memo dated September 19<sup>th</sup> from the dean states that he would initiate an early review to remove me. He made it clear that he would follow a process that is in exact alignment with Appendix B of the Handbook. He would conduct a survey of faculty members, etc. There was no mention of Chapter 6.1. This was the dean's own admission of the process. The department fulfilled the first half of this—they completed the survey and met the deadline of October 1.

Richard Lieu showed an example of the survey form. At the end, there is an Overall Evaluation, which states, "I want the chair to be removed" with a "Yes" or "No" answer.

Richard Lieu: The dean was asked in multiple meetings for the vote count. The dean, however, never disclosed anything. We still don't know anything. Although in one meeting, he finally stated that he did not have enough votes.

- Charles Hickman: He was asked if he had enough votes, and he said he did not.
- Richard Lieu: Correct. He said he didn't, after the 5<sup>th</sup> time he was asked.

On January 21<sup>st</sup> I received a letter of removal. There is no mention of concurrence with the majority. It cited ineffectiveness of leading the faculty, but the survey form had a huge section on leadership. However, since the survey results were never released, I don't know where this is coming from.

Between September 15<sup>th</sup> and January 21<sup>st</sup>, I went through a painful period, in which 3 positions that President Altenkirch approved were frozen for no robust reason. There were plenty of reasons given to me, though. We already made an offer on the Junior Lectureship position, which Dean Christopher had signed, but for some reason he terminated the position because she didn't get her visa on time. The university petitioned her visa very late, 2 weeks before the start of her job, which is unreasonable. So all of a sudden we were not allowed to hire 3 positions, and for no reason. It seems they make life sufficiently impossible for me, so that I would resign. But since I didn't, I was removed.

There appears to be disharmony between Chapter 6.1 of the Handbook and Appendices A and B. In the specific instance of the recent removal of the Chair of Physics by Dean of Science, a memo was written by the dean, who committed himself to follow Appendix B, with no mention of other parts. The failure of the College of Science Dean to follow the process resulted in the wrongful removal of the Physics Chair. Results of the survey should be published. The Physics Chair should be reinstated and compensated for defamation.

Richard Lieu states the Physics Department has achieved many things while he has been chair, among them: donations have doubled and a Distinguished Professor was awarded.

- Charles Hickman: Have you initiated a grievance?
- Richard Lieu: No.
  
- Charles Hickman: There is a grievance procedure. If Dr. Wren was there, we have to assume that the provost and president signed off on this. They will need to accept

any bill that we pass. So what do you expect us to accomplish if this is rejected? We don't have any power after that.

- Richard Lieu: I don't expect you to do any more than that. I would just ask you to be pragmatic. I would like your support on this. I would like the administration to know that even if they turn us down, the faculty has sounded and reported the Senate's thoughts.
  
- Michael Banish: For the bill you've put forth, what was the vote in Physics?
- Richard Lieu: A majority vote. 5 and possibly 6 supported it. One did not attend the meeting, but emailed that he would support the decision of the majority. This bill has the majority.
- Michael Banish: How many faculty members are there in Physics?
- Richard Lieu: Including me, there are 9 eligible voters.
- Wai Mok: I suggest that is on the bill.

❖ Sundar Christopher

The rationale for Appendix B and the decision was made by the provost. I started as the Dean of College of Science in June of last year. There were several instances where Dr. Lieu mentioned extreme pressures of the job. At one point he sent an email stating his intention to resign. So there was confusion about his job and what he intends to do. I initiated a review of the chair at that time. The review was done in a blindfolded manner. The Office of Institutional Research handled the survey. A survey instrument was constructed and provided to faculty members. The provost and I received the comments and the results of the survey. The comments were not consistent with the individual markings. There were comments concerning ineffectiveness. The results were inconsistent, though, so I talked individually with the faculty members. The removal of Dr. Lieu, while it is connected to the survey, is also an administrative decision. On January 21, 2015, in concurrence with Dr. Curtis, I sent a letter to Dr. Lieu informing him of his removal from chair. This decision was not made lightly. There were performance issues—not with just his leadership in the department but also in his management of the department.

- Charles Hickman: Do you believe that you have the concurrence of the majority of the eligible faculty?
- Sundar Christopher: When the survey was done, the majority of faculty indicated that they wanted to retain the current chair, with a vote 5 to 2.
- Charles Hickman: You thought the comments were inconsistent, though.
- Sundar Christopher: Yes.
  
- Charles Hickman: There is an inconsistency in Appendix B and Chapter 6.1.
- Sundar Christopher: There is concurrence in Chapter 6.1 and faculty participation; it is a decision of the dean and the provost. It is an administrative affair.
- Charles Hickman: The question that I have is that if there is this inconsistency, do you feel you've complied with both? Do you feel you have the compliance of the faculty to remove Dr. Lieu?
- Sundar Christopher: We are recognizing that Chapter 6.1's language is different than Appendix B. Chapter 6.1 provides the dean and the provost with the authority to remove a chair. I don't understand your question.
- Deb Moriarity: Do you feel like the faculty supports your decision to remove Dr. Lieu?

- Sundar Christopher: I'll go back to the survey. 5 out of 7 wanted to retain Dr. Lieu. When the comments came, though, they came in bulk, so I had no way of knowing who provided which comments.
- Charles Hickman: In talking with the faculty, do you have their support?
- Sundar Christopher: No. They wanted to retain him.
- Kader Frendi: After talking with the faculty, did it seem that the comments you read on paper were mainly attributable to the 2 who wanted him to be removed? Since after you talked to the faculty members, the majority was still supportive? So is it fair to say that the comments that you read were all from the 2 who wanted him removed?
- Sundar Christopher: I had to be very careful when I talked one-on-one because I couldn't bring up what was said in the form because I didn't know who said what—it's a violation of confidentiality.
  
- Deb Moriarity: When you started the process with the survey, it looks like you were following the process outlined in Appendix B. Between Chapter 6.1 and Appendix B there is the weirdness of final authority rests with the dean and the provost, but the discrepancy is what action rests. There is a process we've outlined here. You did start to follow that, and there's some concern about the timing, and about you not informing them of the results when the memo says that they would find out.
- Sundar Christopher: There was the assumption that this would be a clear-cut case. But since there were inconsistencies, I had to think about what to do next. Since it was towards the end of the semester, there were more pressing matters, and also not every faculty member wanted to come and speak. In my one-on-one meeting with the chair, I was told that a faculty member who previously told me they didn't want to talk was now willing and I got an email days or weeks later stating they now wanted to talk.
  
- Deb Moriarity: In your discussion with Christine about this, do you think her interpretation is that Chapter 6.1 simply says: you're the dean so you make the final decision since the final authority lies with you? The decision can be made separately from Appendix B.
- Sundar Christopher: There was a lot of discussion between Christine and me, and the Office of Counsel. This is very important, but it was a decision made by me as a dean based on Chapter 6.1. There's only so much you can say in a letter. There were a lot of discussions that happened behind this. Performance is a major issue. Chairs are the heart of a department. When it begins to affect the productivity of students and the morale of faculty, when the proper chain of command isn't followed, it creates conflicting pieces of information and voices on an issue. Situations just don't work out if you don't go through simple processes.
  
- Michael Banish: As far as the survey, could you tie binary answers in?
- Sundar Christopher: The surveys were inconsistent with binary, as well. They would mark "I don't want to answer this" but at the end they would mark "I want to keep the chair."
  
- Deb Moriarity: We are trying to look at the Handbook issues of Chapter 6.1 and Appendix B. The way they're interpreted or written. So this isn't a grievance process

or anything, but we are trying to figure out if they're really at odds or inconsistency. So we need to know the process by which these were used.

➤ Discussion of Special Report and bill submitted by Physics Department

Wai Mok: I was called to the provost's office yesterday. I went through the procedures with her about the bill. No matter what, I think anything we do will be rejected. I think the process will be this for this situation: a bill through Senate, a personal grievance, hearing, which will possibly lead to the hiring of an outside lawyer. I think she understood that.

Deb Moriarity: As a chair in the College of Science, I will say that Richard tried very hard to be chair and he really wanted to do a good job, but I think some of the issue between Space Science and Physics kept getting in the way. When Sundar came in as dean, he inherited that mess. He tried to find an honorable solution. He tried to do what was best for the department and Richard. Richard was willing to step down, but some of the faculty members talked him out of it, so Sundar was forced to go another route. He didn't know if some faculty were being intimidated to vote to retain Lieu; that's why he met with them individually. There was a student matter that went all the way to the president, and some other issues. That's why this happened.

Michael Banish: One of the things about Chapter 6.1, reading it as a separate paragraph, the reappointment or removal, is systematically obtained and considered. We might want to read into there that the majority rules or something, but it doesn't say that. If they talked to people and did a survey, okay. But it doesn't say that majority matters.

Charles Hickman: I talked to Tim Newman. It would be clearer if the appendices were incorporated into the Handbook in some specific way, and I looked at the rules of the BOT. Tim told me that it depends on the Chancellor and BOT if the appendices are incorporated into the Handbook. However, there is a way of reading them both together, consistently. Faculty decides how to do that.

Kader Frendi: Most of the votes in general are non-binding because the dean can overturn them. Christine called us into her office back in the fall and asked us about Chapter 6.1, and we (Wai and me) told her that the chair works at the discretion of the dean, who works at the discretion of the provost.

Deb Moriarity: The word here that causes issue is "may."

Charles Hickman: I looked at this and the rules of the BOT this morning, and the Handbook isn't a contract, they're just guidelines, but if someone proposes a bill then I think we need to follow our own process, but this is something I think we don't want to get involved in. I think he needs to go through the grievance process.

Wai Mok: The Handbook is currently on her desk. She told me that she recognizes there is an issue between Chapter 6.1 and Appendix B, so sooner or later this will come back to us. So whether or not we should address it now or later is up to y'all.

Charles Hickman: Should the Senate be involved in personnel issues, and only if there is some overriding principle of importance?

Deb Moriarity: The real question is if we think Appendix B should be interpreted a certain way which mandates Chapter 6.1. I don't see an Appendix mandating the body. I don't think it should be taken up right now. I don't see that it's someone in total violation. In the College of Science, we've never operated under the faculty members voting in a chair—you vote in your preference, which the dean takes into consideration.

Charles Hickman: The administration has taken a position, so the question is whether it's worth the Faculty Senate trying to convince them to change that position—that position being them following Chapter 6.1 and not Appendix B.

- Deb Moriarity: I find it acceptable; it's not an uncommon situation. Many times, the provost comes in and changes all the deans, who changes all the chairs. It's their job to manage how they see it working best.
- Kader Frendi: I think the administration was trying to work it out between September and January.
- Charles Hickman: It was made clear in our College that it's the dean's decision who is chair. Is it worth it for the Faculty Senate trying to convince the administration to change their position?
- Michael Banish: Chapter 6.1 says, "the advice of the faculty be actively and systematically sought." It doesn't say by majority. We are being asked to follow Appendix A and B and not Chapter 6.1. We are fighting over "may" in Appendix B, but what does this really mean.
- Charles Hickman: I take a more pragmatic view that we won't accomplish anything substantive since it's already been decided by the administration. We need to take a look at what fights are worth fighting. Is this one? There's an ambiguity, and we can hang our hats on it, which isn't exactly an honest way to handle.
- James Swain: Was this a bill to direct administration to follow their own rules? It struck me as not a very useful thing.
- Deb Moriarity: The general expectation is to be replaced when a new dean comes in.
- Kader Frendi: I don't think this is worth it.

Deb Moriarity: I don't think it's such an egregious breach of faith. If he wants to file an individual grievance, he has the right to do that.

Linda Maier: My feeling is that the dean tried to follow procedures to consult with the faculty. So he did make that good faith effort. I think there's ambiguity between the two sections, but the deans have the authority.

Azita Amiri: It seems to be progressing naturally, based on this discussion.

Deb Moriarity **motions to reject the bill**. Charles Hickman seconds.

Michael Banish called the question.

*Ayes carry the motion.*

Motion to reject the bill submitted by the Physics Department is **unanimously rejected** at the first reading.

Meeting adjourned at 2:20pm

MEMORANDUM

TO: All tenured, tenure track and research faculty in the Physics department

FROM: Sundar A. Christopher  
Dean, College of Science

DATE: September 19, 2014

SUBJECT: ♣ Review process for reassigning chair

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As we discussed in our meeting on 8 September, 2014 and based on faculty hand book guidelines, I am initiating an early review for the chair of the Physics department, Dr. Richard Lieu. The Office of Institutional Research (OIR) will serve as the independent unit to receive the survey, process and tabulate the results for final review by the Dean and Provost.

The following process will be followed:

1. Faculty will be emailed a survey on September 24, 2014.
2. The survey must be completed on or before October 1, 2014. Do not write your name or other identifying information on the survey.
3. Please print the survey and submit to Jason Smith at Office of Institutional Research, 363, Shelbie King Hall.
4. OIR will provide the results of the survey to the Dean of the College of Science no later than October 13, 2014.
5. The Dean will inform the faculty and chair of the survey results on or before October 17, 2014.
6. Reassignment will require an affirmative "vote" of a minimum of five faculty members and the concurrence of the Provost, as noted in current University's governing policy.

If you have any questions about the process, please contact me on or before September 23, 2014.

## EVALUATION OF DEPARTMENT CHAIR

**Date:**

Administrator's Name: Dr. Richard Lieu

Department: Physics

The major goal of this survey is to assess the chair's performance as part of an early review process for possible reassignment. This survey will take approximately 30-45 minutes to complete. Please mark a response to each item and enter comments where appropriate. This is an anonymous survey and therefore please do not include any identifying information. Please print this form and submit to Jason Smith at the Office of Institutional Research at Shelby King Hall, Room 363.

| LEADERSHIP  | Strongly agree | Agree | Neutral | Disagree | No basis to judge |
|---|----------------|-------|---------|----------|-------------------|
| Is an effective advocate for department                         |                |       |         |          |                   |
| Communicates effectively with faculty, staff and students       |                |       |         |          |                   |
| Ensures appropriate balance of teaching, research and service   |                |       |         |          |                   |
| Works with faculty to plan, review and implement the curriculum |                |       |         |          |                   |
| Displays integrity in decision making                           |                |       |         |          |                   |
| Upholds dept. bylaws and faculty handbook principles            |                |       |         |          |                   |
| Remains active in teaching, service and research                |                |       |         |          |                   |
| Is active in student recruitment                                |                |       |         |          |                   |
| <b>Please enter comments on leadership:</b>                     |                |       |         |          |                   |
|   |                |       |         |          |                   |

| RESOURCE ALLOCATION and MANAGEMENT                                      | Strongly agree | Agree | Neutral | Disagree | No basis to judge |
|---|----------------|-------|---------|----------|-------------------|
| Allocates resources consistently in a balanced manner across department |                |       |         |          |                   |
| Involves faculty in setting budget priorities                           |                |       |         |          |                   |
| Supports and mentors faculty in generating external funding             |                |       |         |          |                   |
| Is effective in managing facilities and equipment                       |                |       |         |          |                   |



Please enter comments on resource allocation and management:

| PERSONNEL ISSUES   | Strongly agree | Agree | Neutral | Disagree | No basis to judge |
|--|----------------|-------|---------|----------|-------------------|
| Conducts timely and focused review of faculty                      |                |       |         |          |                   |
| Fosters positive morale in the department                          |                |       |         |          |                   |
| Is active in promoting professional development of faculty         |                |       |         |          |                   |
| Addresses conflicts fairly and professionally                      |                |       |         |          |                   |
| Treats others with fairness and respect                            |                |       |         |          |                   |
| Provides proper guidance to staff to effectively manage department |                |       |         |          |                   |
| Please enter comments on personnel issues:                         |                |       |         |          |                   |

What are the department chair's strengths?

What are the department chair's weaknesses?

Is your department functioning efficiently?

| OVERALL EVALUATION              | Yes | No |
|---------------------------------|-----|----|
| I want the chair to be removed. |     |    |



## MEMORANDUM

TO: Dr. Richard Lieu, Chair, Department of Physics

FROM: Dr. Sundar Christopher, Dean, College of Science *Sundar. A. C.*

CC: Dr. Christine Curtis, Provost and Executive Vice President of Academic Affairs

DATE: January 21, 2015

SUBJECT: Removal from the Chair of Physics Position and Reassignment to your Faculty Position, Distinguished Professor of Physics

Effective today, January 21, 2015, with the concurrence of Provost Curtis, I am removing you from your position as chair of the Department of Physics. This action is taken because of your ineffectiveness in leading the faculty, staff, and students of the department and your inability to effectively manage departmental affairs.

As of today, you are reassigned to your position as Distinguished Professor of Physics with the normal duties and responsibilities that include teaching, research, and service in accordance with the guidelines set by the department and the College of Science. Also, effective today, you will be paid on a nine-month basis.

You will report to the Chair/Interim Chair of the Department of Physics. An interim chair will be named until a permanent chair can be selected.

discuss the preliminary results of the evaluation and to determine whether additional information should be sought. After the evaluation process is complete the dean communicates the results of the review to the departmental chair and to the provost. Normally, no later than one month following the completion of the review the dean will report to the departmental faculty concerning the general results of the evaluation. Personnel actions growing out of the evaluation must have the concurrence of the provost.

## Reassignment of a Department Chair

In unusual circumstances a dean may, on his or her own initiative or at the request of the majority of the eligible departmental faculty, initiate an early review of a chair for possible reassignment. Those faculty eligible to participate formally in the request for an early review will be tenured faculty, tenure-earning faculty not under termination notice, clinical faculty, and research faculty, excluding administrators above the level of department chair. In such a case, the chair in question and the departmental faculty will be informed by the dean that the chair's performance is being reviewed for possible reassignment. In so far as possible, this review will follow the procedures set forth in the section on the "Review and Evaluation of a Department Chair." Based on the results of this early review, a dean may remove a chair with the concurrence of a majority of the eligible departmental faculty and the provost.

Appendix

B

# Chapter 6

## Shared Governance

The Board of Trustees entrusts university administrators, faculty, staff, and students with responsibilities for sharing in the governance of the university. The responsibilities of the Board of Trustees and university administrators are delineated elsewhere in this handbook.

### 6.1 Faculty Participation in Shared Governance

#### 6.2 Faculty Senate

#### 6.3 The Graduate Council

#### 6.4 Staff Senate

#### 6.5 Student Government Association

#### 6.6 Boards, Councils and Committees

##### 6.6.1 Boards, Councils and Committees Reporting through an Administrative Liaison

##### 6.6.2 Ad Hoc Groups

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## 6.1 Faculty Participation in Shared Governance

Academic excellence is essential to the successful performance of UAH's educational mission. Such excellence is achieved in an environment of mutual confidence, collegial participation, effective leadership, and strong academic programs. To foster this environment, it is university policy that the faculty have the opportunity to participate in the selection of deans and department chairs and that the advice of the faculty be actively and systematically sought.

Final authority over the selection and retention of deans rests with the president, and final authority for the selection and retention of associate deans, assistant deans, and departmental chairs rests with

the academic deans, with the concurrence of the provost.

Prior to the appointment of deans and chairs, the advice of the faculty is systematically obtained and considered.

Program direction, program quality, and the performance of deans, associate deans, assistant deans, and department chairs are evaluated periodically and an important consideration in these evaluations is the views of the faculty.

Faculty review of administrative performance and program effectiveness is accomplished by conducting formal program reviews at least at five-year intervals, with the faculty also participating in the regular, ongoing evaluation of administrative leadership, program direction, and program quality.

## 6.2 Faculty Senate

The structure of the Faculty Senate of the University of Alabama in Huntsville, as well as its relationship to other university bodies, is set forth in the governance system proposed on March 7, 1973, as adopted with amendments by the president of the university on April 3, 1973.

The authority of the Senate derives from the Office of the President of the university and exists as a feature of the bond of mutual trust that serves as the basis for the general system of governance for the faculty, student body, and administration.

Senators are the voice of the faculty. The Faculty Senate is the permanent body representing the faculty for the formulation of university policy and procedures in matters pertaining to institutional purpose, general academic considerations, curricular matters, university resources, and faculty personnel (appointments, promotion, and tenure). Normally, issues of university governance affecting the faculty at large should go before the full Faculty Senate before implementation. By-laws of the Faculty Senate are included in Appendix L.

## 6.3 The Graduate Council

The Graduate Council is an elected body representing the graduate faculty. The Council consists of the Dean of the School of Graduate Studies (non-voting ex-officio chair), the Registrar (non-voting) and a number of Full members of the graduate faculty. The representation

**Title:** On the role of Handbook's Appendices A and B in regulating administrative disposition of Deans and Chairs

**"WHEREAS** Section 6.1 of the Faculty Handbook grants final authority over the selection and retention of Deans, Associate and Assistant Deans, and Department Chairs to the President, Provost, and Deans respectively,

**WHEREAS** Appendices A and B of the Faculty Handbook outlined the processes for the selection and retention of Deans, Associate and Assistant Deans, and Chairs that involved the active participation and voting power of the faculty in decision making,

**WHEREAS** Section 6.1 was also written in the spirit of joint governance,

**LET IT BE RESOLVED THAT** the final authority of the President, Provost, and Deans over the selection and retention of Deans, Associate and Assistant Deans, and Department Chairs respectively is to be exercised in observance of the processes outlined in Appendices A and B."