**SB 457 Protecting the employment rights of a foreign faculty recruit**

WHEREAS, UAH offered Dr Ally Jiang, on June 11, 2014, a two-year term limited lecturer contract to teach in the Department of Physics, after she was selected by the Department Faculty as the best candidate for the job among the pool of qualified applicants who attended interviews; and

WHEREAS, The University was not able to petition Dr Jiang's H1B visa until August 4, 2014, and the earliest appointment Dr Jiang could book with the US Embassy in Beijing on that day was August 11, 2014, which was only a week before the start date in her contract; and

WHEREAS Dr Jiang, as expected, did not receive her visa in time to show up to work on August 18, 2014, the start date in her contract; and

WHEREAS UAH terminated Dr Jiang's contract unilaterally on Sept. 11, 2014, claiming that it was because she failed to present herself to work on the first day of her job, even though her contract never attached (explicitly or implicitly) such material significance to the start date;

WHEREAS Dr Christine Curtis, Provost and VP of UAH Academic Affairs, wrote on October 16, 2014 an email to Dr Richard Lieu, then Chair of Physics, and copied to Dr Robert Altenkirch, then President of UAH, stating that even if the vacancy left behind by the termination of Dr Jiang is eventually being filled `we will not be hiring anyone from overseas, there are sufficient talents in the United States to fill lecturer positions' and

WHEREAS Dr Jiang did receive her H1B visa on November 4, but Provost Curtis and Dr Sundar Christopher then Dean of Science persisted in their refusal to issue her a new contract; and

WHEREAS Dr Jiang filed a lawsuit against UAH on May 25, 2017 alleging discrimination and breach of contract without cause; and

WHEREAS On Sept. 2020 Judge Madeline Haikala granted Dr Jiang a Federal Court trial on breach of contract;

LET IT THEREFORE BE RESOLVED THAT Now and henceforth no academic employment contracts be issued to an individual who needs a work permit to commence his/her job in UAH less than six months ahead of the contract start date; and

LET IT BE FURTHER RESOLVED THAT No contract shall be terminated unilaterally by UAH solely because the employee failing to show up on the start date, if the reason for the no-show is entirely due to the employee waiting for his/her work permit to be issued by the US Embassy in his/her host country; and

LET IT BE FURTHER RESOLVED THAT A new, two-year contract be issued effective immediately to Dr Ally Jiang to enable her to work as a lecturer in the Department of Physics and Astronomy of UAH without any let or hindrance, and with her salary and benefits adjusted according to the difference in cost of living between 2014 and 2020.

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