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November 30, 2017

ROBERT A. BLOUIN, PharmD  
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VIA EMAIL ONLY

Christopher B. McLaughlin  
Chair, Faculty Grievance Committee  
mclaughlin@sog.unc.edu

Re: Report and Recommendation of the Faculty Grievance Committee

Dear Professor McLaughlin:

I write to inform you that I have carefully reviewed the Faculty Grievance Committee's Report on Professor Jay Smith and find that I am unable to accept the Committee's recommended adjustments.

First, Professor Smith's grievance sought a remedy that had already been provided to him and, for this reason alone, no further adjustment is necessary in this case. The University has repeatedly and consistently stated that it expected that History 383 would be taught again in the future and, specifically, before the hearing in this case, Professor Smith was contacted by his department chair about placing History 383 on the Spring 2018 academic schedule. Therefore, this grievance is moot and there is no adjustment to be made.

Second, the Committee's proposed adjustment related to the dean's authority to oversee a given school's curriculum conflicts with the University's accreditation requirements and its own institutional standards. As the Chief Academic Officer of this University, I strongly believe that University leaders can and should maintain oversight over course offerings, which includes the right to participate in individual course selection decisions. As accurately described in the philosophy statement for the Southern Association of Colleges and Schools Commission on Colleges ("SACSCOC") Principles of Accreditation, we fully support "the right of faculty members to teach, investigate, and publish freely; and the right of students to access opportunities for learning and for the open exchange of ideas. However, the exercise of these rights should not interfere with the overriding obligation of an institution to offer its students a sound education."

The University is required by its accrediting body, SACSCOC, to offer degree programs that embody a coherent course of study that is compatible with our institution's stated mission and is based upon fields of study appropriate to higher

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education (see SACSCOC Core Requirement 2.7.2 on Program Content). Moreover, our educational programs must be approved by both the faculty and the University's administration (SACSCOC Comprehensive Standard 3.4.1 on Academic Program Approval). Specifically regarding the role of the dean in these matters, Section 6-1 of The Faculty Code of University Government states that it is a dean's duty to "administer all curricular and degree programs, all regulations governing academic standards, and such other special functions as may be delegated to the school or college." Duties outlined in the job description for the Dean of the College of Arts & Sciences<sup>1</sup> specifically include providing leadership and oversight over all academic programs in the College and evaluating and approving all curricular changes. Therefore, I fully support the actions taken by the Dean's Office to exercise this authority. In order to uphold these standards and maintain the highest levels of academic integrity, the University must retain authority and oversight over its course offerings, including those courses offered in the Department of History.

Finally, the report contains a number of factual errors. A list of noteworthy errors identified by Kevin Guskiewicz, Dean of the College of Arts and Sciences, and Jonathan Hartlyn, former Senior Associate Dean for Social Sciences and Global Programs, two of the Respondents, is attached to this response as Exhibit A.

For these reasons, I do not accept the Committee's report and recommended adjustments. Thank you for your work on this matter. If you have any questions or if you need any additional information, please let me know.

Sincerely,



Robert A. Blouin, PharmD  
Executive Vice Chancellor and Provost

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<sup>1</sup> This document was provided to the Committee on August 9<sup>th</sup> in a response to the initial grievance filed by Professor Smith.

## EXHIBIT A

- Page 1:** The date at the top of the grievance report is October 3, 2017; however, the report was not issued to the parties until October 13, 2017. This discrepancy is important for purposes of the timelines set forth in the Committee's procedures.
- Page 3:** The grievance report states that "the parties declined to pursue the University-mandated mediation option;" however, the Respondents never declined to participate in mediation. Professor McLaughlin's July 14, 2017 email to Jonathan Hartlyn explained, "Also please know that Prof. Smith, the grievant in this matter, has declined the mediation option. As a result, we'll need to move forward with an informal hearing involving Prof. Smith, you, and the other respondents." Mediation did not take place because Professor Smith declined to proceed with that option.
- Page 3:** The grievance report, issued on October 13, 2017, erroneously states that a transcript of the grievance hearing was prepared and shared with the parties; however, Dean Guskiewicz did not request the transcript of the hearing until *after* the grievance report was issued. Furthermore, he did not receive a copy of the hearing transcript until October 20, 2017, one week after the grievance report was sent. It is also unclear whether transcripts were provided to all the other parties.
- Page 3:** The grievance report states: "The need to respond to those questions or criticisms about the course explains in part why Dean Guskiewicz and Professor Hartlyn asked probing questions of Professor Brundage and Professor Smith in the spring of 2016 about the development and approval of History 383." However, it is important to note that no probing questions about HIST 383 were ever asked of Professor Smith. Questions about HIST 383 were directed to the Department Chair Fitz Brundage (see, e.g., p. 11 of the transcript ("So I asked [Professor Hartlyn] to reach out to [Professor Brundage to] gather some information about the course so we could be equipped to respond to those inquiries.")), which is consistent with standard practice in the College of Arts & Sciences (see p. 20 of the transcript ("So, in that situation, it is typical to reach out to their [Chair] so that we can make sure that all the proper procedures are followed."))).

Professor Hartlyn never met directly with Professor Smith to discuss HIST 383. In fact, neither Professor Smith nor Professor Hartlyn testified at the hearing to meeting with the other to discuss HIST 383. Finally, the only meeting Dean Guskiewicz had with Professor Smith about HIST 383 was at Professor Smith's request. That meeting lasted for approximately thirty (30) minutes and a majority of that time was spent by Professor Smith voicing concerns he (Professor Smith) had about the scheduling of HIST 383.

The report makes it appear that hours were spent focusing on HIST 383. However, additional time was spent discussing this course because of Professor Smith himself. Professor Smith requested a meeting with Dean Guskiewicz to discuss HIST 383. Professor Smith requested a subsequent meeting with the Chancellor and Provost Dean about this course. Professor Smith brought this issue to the attention of the Faculty Executive Committee, Faculty Council, the American Association of University Professors (AAUP), the Foundation for Individual Rights in Education (FIRE), and the media. These actions caused additional attention to be paid to HIST 383.