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November 6, 2007

Dr. Roger Fortin
Academic Vice President and Provost
Office of Academic Affairs
Xavier University

Dear Dr. Fortin:

You charged us to investigate the Communications Arts Department, in the College of Arts and Sciences, at Xavier University. Your letter, dated October 3, 2007, stated in part, the following:

"Since Spring 2002, the Xavier University Communication Arts Department ("Communication Arts") has experienced varying degrees of internal turmoil. The situation within Communication Arts has now risen to a point that I believe, after consulting with a few administrative colleagues, a complete investigation of the current workings, structure, personnel issues, and direction of Communication Arts is warranted. Caring most importantly for the welfare of the students, I believe this investigation is not only in their best interest but also in the best interest of the faculty, staff, the Communication Arts Department, and the College of Arts and Sciences."

Process of Investigation

We reviewed over a thousand pages of material provided by your office, and other documents provided by several persons interviewed including Michels, Finch, Patnode, de Silva, Wagner, King, and Walker. We interviewed the following persons in, or associated with, the CA department:

- Dr. Miriam Finch, Assistant Professor and former Chair
- Dr. Tara Michels, Associate Professor
- Dr. Randy Patnode, Associate Professor
- Dr. Indra de Silva, Chair
- Ms. Ryssa Kemper, Department Secretary
- Dr. Thomas Wagner, Assistant Professor
- Jim King, Retired faculty
- Ms. Jennifer Tighe, Academic Staff

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- William Hagerty, Associate Professor
- David Smith, Former Director of the TV Center
- John Addino, Studio Manager of the TV Center

In addition, we interviewed Dr. Janice Walker, Dean of the College of Arts & Sciences, and met with you regarding our charge.

We asked all faculty and staff about the current conflicts in the department (see attached list of questions). Additionally, we inquired about allegations of discrimination, harassment, and retaliation brought by Drs. Michels, Finch, and Patnode.

History of Conflict in the CA Department

Conflicts in the department started in 2002, when Dr. Finch, Chair of the department, disagreed regarding a position advertisement and other matters with Drs. Michels and Patnode (wife and husband), and attempted to not renew Dr. Patnode's contract for the 2003-2004 academic year. Dr. Patnode filed grievance with the Faculty Hearing Committee against Dr. Finch. The charges were found groundless. Dr. Patnode was later tenured and promoted. Meanwhile, Dr. Michels brought several charges against Dr. Finch, and Dr. Finch charged Dr. Michels with unprofessional behavior and refusal to teach a certain course. All charges were found groundless, and the parties were asked by Dean Janice Walker to find an amicable resolution to their conflict. The conflict between Dr. Michels and Dr. Finch continued for several years, leading to outbursts in department meetings. Dr. Michels admitted that she had not spoken to Dr. Finch for three years (2003-2006).

Dr. Finch completed her nine-year term as chair in May of 2004, and Dr. Indra de Silva was hired by Dean Walker, in September of 2004. He was given the charge of healing the department's conflict, increasing rigor in the department, and moving the department forward. The mandate for change came from the administration. Dr. deSilva responded by initiating policies, procedures, and expectations hereto not previously required. For example, he began to decrease the heavy reliance on adjuncts, increase the number of courses taught by principal faculty, and request accountability for faculty release time. Additionally, a climate of grade inflation, special course arrangements made for some students, a high incidence of transfers into the department by juniors/seniors nearing graduation, were all existing concerns addressed by the incoming chair.

Dr. Finch started to challenge the authority of the new chair and such changes, in September 2005, claiming that he did not have the authority to change the teaching assignment of the faculty, or take away some reassigned times and coordinator assignments. Meanwhile, Drs. Michels and Patnode supported the changes that were advocated by Dr. de Silva, and according to them and others, spoke very highly of him. Additionally, until January of 2007, Dr. Michels and Dr. Finch continued their public feud in department meetings.

Purportedly, in early Spring 2007, when Dean Walker started to interview everyone in the department regarding the re-appointment of Dr. de Silva as Chair, Dr. Michels called Dr. Finch at home, and asked her to join her in charging Dr. de Silva with gender discrimination, harassment, and retaliation. Apparently, Dr. Michels had perceived that Dr. de Silva was planning to hire another advertising professor and in effect "demote" Dr. Michels to teaching lower level courses. The potential hire occurred in Spring 2007, at which time the candidate to whom the position was offered declined, in part, due to the climate in the department. Soon after, Dr. Patnode joined Drs. Michels and Finch in their action against the Chair. Dr. de Silva was re-appointed as Chair, effective August of 2007.

Negative Impact of the Conflict on the Department

During the conflict, starting in 2003 until today, at least two junior faculty members have left the department, citing the conflict as a contributing reason for their departure. Similarly, several senior faculty members decided to retire, also citing the conflict as a contributing factor. Several new-hire attempts have been hampered and lost, in part, to perceived departmental discord. Today, the department has three unfilled faculty positions.

While the CA department had 244 students majoring in the four available majors in the department in 2003, today the department has 162 student majors, according to the former and current chairs. Several department faculty admitted that they no longer attempt to recruit students to their major, namely because of the faculty conflicts. Faculty and staff indicate that office hours are not kept by Drs. Finch and Michels, they rarely show up on their non-teaching days, and that they do not attend, regularly, University functions, such as Commencement and Academic Day.

Overall, because of the absence of these faculty members, and their feud with themselves and with the Chair, the work of the department is either not getting done, or is delayed by grievances and counter-charges of the faculty involved. Alone, the amount of paperwork generated from the individuals involved in this case indicates the substantial amount of time dedicated toward this conflict. It has taken significant time away from students, the curriculum, and the teaching/learning process.

Several faculty and staff admit that students know about the conflicts in the department, because of hallway talks, or discussions in the classrooms by their faculty. In one instance, Dr. Michels discussed the conflict in a conference meeting downtown, where faculty and students from other universities were in attendance. Xavier University's students felt embarrassed that their University was being portrayed so negatively in such a public forum.

Some of the interviewees described the departmental climate as one of divide and distrust. Several requested outside assistance and/or sanctions to resolve the conflicts in order to move the department forward. It appears as if the former has not made a

difference to date. Directives have been disregarded, warnings have gone unheeded, and mediation attempts turned down. Now, it appears, sanctions must be considered.

Findings

1. We find no evidence to support the claim of gender discrimination, race discrimination, harassment, and retaliation made by Drs. Michels, Finch, and Patnode against the Chair of the CA Department, Dr. Indra de Silva, and claim of retaliation made against the Dean of the College of Arts & Sciences, Dr. Janice Walker.
2. We find ample evidence that the quality of the education of Xavier University's students is being negatively affected by these conflicts, mainly because of the three faculty members mentioned above. Some faculty and staff are openly discussing these conflicts in and outside their classrooms. The number of students majoring in the department has declined significantly, and as stated above, other faculty members state that they are no longer able to recruit students into their majors because of these conflicts.
3. We find that Drs. Michels and Finch openly mock and demean the Chair in front of the others and in faculty meetings, and together with Dr. Patnode have created a hostile, non-collegial environment in the department. The result of this behavior by the three faculty members is that the work of the department is at a stand-still. Every decision made by the Chair regarding the routine work of the department is challenged by the three, and charges and counter-charges are filed with the administration, resulting in delays, often to the detriment of the students. As it stands, the Chair has no authority to handle the day-to-day routine work of the department.

While faculty are given the academic right to question and debate all departmental policies, once a decision is made by the Chair and affirmed by the Dean, the routine work of the department needs to move forward, and the Chair needs to be able to make work assignments, decide on re-assignments, approve internships and independent studies for students, and perform the normal duties of any chair of a university department. We believe that due to several years of conflict between Dr. Finch and Drs. Michels and Patnode, and later on, between the current Chair, and the group of Drs. Finch, Michels, and Patnode, the department has become dysfunctional to the detriment of the students, other faculty members, the staff, the College of Arts and Sciences, and Xavier University. Unfortunately, we neither saw evidence nor heard hope expressed by any of the three that a change in their pattern of behavior might occur short of removing the Chair. Removal of the chair does not appear to be a satisfactory or necessary action.

Drs. Finch, Michels, and Patnode are openly defying the authority of the Chair, the Dean, and even, at times, the authority of the Academic Vice President and Provost. In the most recent example of this defiance, Dr. Roger Fortin informed the three faculty members, in writing, that any communication with us (the investigators) needs to be cleared in advance by him. Nonetheless, the three faculty members wrote us a letter and dropped off copies in our campus mailboxes, attempting to influence our decision.

4. We find that such behaviors by Drs. Michels, Finch, and Patnode are in violation of the Section IV-Statement of Professional Ethics, The Statement, Part III, of the *Faculty Handbook*, (p.13). The paragraph states: "*As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate or harass colleagues. They respect and defend the free inquiry of associates. In the exchange of criticism and ideas professors show due respect for the opinion of others. Professors acknowledge academic debt and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution.*"

Recommendations

1. We recommend that based on the process specified in the *Faculty Handbook* (Section XIII-Termination of Faculty), you begin the procedure for the dismissal of Dr. Miriam Finch, for *serious cause: Grave irresponsibility in discharging university obligations.*
2. We recommend that based on the process specified in the *Faculty Handbook* (Section XIII-Termination of Faculty), you begin the procedure for the dismissal of Dr. Tara Michels, for *serious cause: Grave irresponsibility in discharging university obligations.*
3. We recommend that since Dr. Patnode's behavior is just short of *serious cause: Grave irresponsibility in discharging university obligations*, that you suspend him for 60 days, without pay. The suspension should begin at a time when it would be least disruptive to the students and the University.

While we understand that such action has to be taken as the last resort for any university to dismiss or suspend its tenured faculty members, we believe that the behavior of Dr. Finch, Dr. Michels, and to a lesser extent, Dr. Patnode show grave irresponsibility in discharging their University obligations, and are so detrimental to the normal functioning of the University, that we find no other recourse satisfactory.

4. We recommend that, due to the urgency of the matter in negatively impacting the quality of the education of Xavier University's students, when the termination procedures begin, you temporarily relieve, with pay, Drs. Finch and Michels of their teaching and other university duties, until further notice (as provided by the third paragraph of Section A., of Termination procedures, p. 28, *Faculty Handbook*).
5. We recommend that you direct Drs. Walker and de Silva, and their colleagues in the CA Department, to consider renaming the department as appropriate, and start the recruitment process for the existing faculty vacancies as soon as possible. Needed, still, is a healing of the department, where all parties come together in a spirit of collegiality; and, with forthright communication, put the best interest of the students, department, and Xavier University ahead of their own self-interest.

Sincerely,



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