12:00 PM - Call to order by committee chair (with opening remarks and introductions)
12:10 PM - Opening statement by Grievant
12:25 PM - Opening statement by University
12:40 PM - Presentation of case by Grievant (including witness testimony and cross-examination)
2:00 PM - 10 minute break
2:10 PM - Presentation of case by University
3:30 PM - Closing statement by Grievant
3:45 PM - Closing statement by University
4:00 PM – Adjournment

**Opening statement-the road map to my powerpoint (15 minutes)- do 1500 words- mention that I am sorry for the all caps on the powerpoint, I just picked a canned visual and did not realize that all caps is yelling, because I am not a social media person and I do not tweet. So apologies in advance.**

Thank you all for coming to my hearing. I really appreciate everyone who is here, including the faculty hearing committee, for taking the time to hear and consider my case. I am a scholar-activist in the “Justice” studies department, and it has been a rough road for me here at sjsu and I want to share with you the patterns of retaliation and unjust actions by my department, college and university that makes it hard for an intersectional women of color to thrive here on this campus.

I had ovarian cancer twice during my early years here that effected my tenure track. I survived but was left with a gut disability due the scarring related to the surgical removal of my left ovary in 2007 and my right ovary in 2008.

Feb 2013, an anonymous whistleblower submitted a complaint to the state over fiscal impropriety and conflicts of interest. I worked with this anonymous whistleblower for several months starting back in 2012 in helping this person build their case. Gilbert Villareal, our then office administrator also helped. I was provided a copy of this complaint with 1000 pages of supporting documentation. I then shared some or all of the content with key faculty members before I received my tenure summer of 2013. I also shared the files with some student activists on campus who formed a coalition and launched a petition about the issue asking for an audit. The retaliation was immediate and harsh and began early spring 2013 and continues to this day. The retaliation got so bad for Gilbert who helped to whistleblow and supported the anonymous complaint, that he chose to leave after 8 years of being the heart and center of Justice Studies. The climate of retaliation was so bad that not one faculty member showed up to his farewell party in August 2013 the month when he resigned.

Despite this hostile departmental climate, in Fall 2013, I formally whistleblew to Elna Green of F A and Pamela Stacks of Graduate studies and Research about corruption in my department that involved my former chair Mark Correia providing funds, favors and resources to his white faculty friends as well as the exploitation of students to further careers. When both avenues refused to properly investigate the matter, I organized with staff and students to launch a media anti-corruption campaign that involved the student coalition creating an online petition asking for an audit of my department and more.

The anti-corruption campaign was very successful and despite the additional intimidation and the withdrawing of my then dean’s promise of a higher than standard raise with my tenured promotion, my campaign resulted in an audit that found 250k misappropriated, my dean was forced to resign, and later the avp of finance was also forced to resign.

Alessandro de Georgi led the whistleblowing retaliation efforts against me publicly, where he organized both faculty and used his position as graduate coordinator to negative influence graduate students against me. More on that in my presentation.

When Mark Correia my former chair fled the situation in 2014 to take a Deanship in Pittsburgh, I organized T/TT votes to support James Lee’s run for JS department chair since De Georgi was cited by former staff as enabling, minimizing, participating, and even covering up the corruption in the department. I used my grassroots scholar-activist skills to deliver James Lee the votes to become chair of JS.

However, it was not until James Lee cut short De Georgi’s graduate coordinator position from 3 years to 2 and asked me to take over Fall 2015 that James Lee began to really show his true colors to me and he began to disability discriminate against me for asking for proper work accommodation for my gut disability as I was performing my graduate coordinator duties and teaching.

On August 14, 2017, I served CSU with the summons, complaint, and an ex parte application for a temporary restraining order about my fall 2017 schedule where James Lee gave me a punitive, back to back in-person schedule with classrooms far flung each other and my office location, making me hustle across campus with my gut disability three times within the two sandwiched class periods.  In February 2018 I filed an injunctive relief naming James Lee, Cindy Morata, and Joanne Wright in that legal document. This lawsuit was eventually settled in 12/18.

Right after, in Spring 2019, James Lee took me off advising duties because my settlement gave me a fully online schedule. My advising duties were in my appointment letter and as we learned from Gwen Mok’s faculty hearing last month, you cannot change a faculty’s appointment letter without proper notice and process. However, James Lee did not even tell me I was removed, I had to find out about it from the office staff. So I again had to file a grievance. This sparked a wave of retaliation in Spring 2019 that I detail in my powerpoint.

Since settling my lawsuit with CSU, I have had to since file 6 more grievances/complaints with the campus and regulating agencies over disability discrimination and whistleblower retaliation.  I should be protected under the Whistleblower Protection Act and the American with Disabilities Act on this campus. But that is not what is happening now and I am being intersectionally punished for being both a whistleblower, a person with a hidden disability, and as an intersectional scholar-activist on this campus.

In regard to my prior promotion attempts, James Lee was allowed to serve not just once but twice in my promotion attempts without declaring a conflict of interest. My 1st attempt he was allowed to fully serve on my departmental RTP. The 2nd time, he was allowed to write an unfavorable chair’s letter. The 3rd time, he was senior director of faculty affairs and removed a favorable interim js chair’s letter from my rtp process. This same 3rd attempt Alessandro de Georgi was allowed to serve on the college level without declaring a conflict of interest. This last time, my fourth time for which I submitted my fall dossier 2020, James lee shared my dossier with two white men of equal rank who were not on my RTP committee. When I told him this violates many policies including state and federal ones in regards to privacy laws and asked for a log to see if it was accessed without proper authorization, I never heard back from him. I also grieved this violation of my privacy in regard to my dossier. But this is for a later faculty hearing committee….

So every attempt, even my most recent, has been contaminated by people with a clear conflict of interest with me who refuse to do the right thing about it. When I attempted to prepare for my level one meeting this summer regarding the personnel letters place there in April 2019, I was 1) only granted access AFTER my level one meeting about my failed promotion even though I asked for access to those well in advance thus violating policy, and 2) what I found in my paf were not the letters I expected but my failed dossier, my failed sabbatical application from last year, and my spring 2020 optional sotes. To date, I have still yet to officially see these letters in my paf files because I simply gave up after joanne attempted to give me access 3 times that all failed. Again, I had to file a grievance over this issue as well.

But this hearing is about my 3rd attempt and my arguments are:

* **My third attempt at promotion to full professor failed due to deviation of policy both in the CBA and university policy.**
* **Sotes [student opinion of teaching effectiveness survey] were cited as the issue at multiple levels of review, without any holistic evaluation of teaching effectiveness required by s98-8. My sotes average was 4.1/5.**
* **Two letters In my PAF [Personnel Action file] were cited by the president, in addition to the sotes issue, as the basis to deny my promotion. One letter was a ‘letter of concern’ not in our CBA (Collective Bargaining agreement). Level one meetings for both grievances occurred over a year after I filed. Both letters happened after my Promotion dossier closed.**
* **My promotion failure reflects a RTP [Retention, tenure, Promotion] process that greatly lacks due process and is punitive.**

Again, I offer much thanks to the hearing committee, my witnesses, and the audience who came here today to support me. I look forward to sharing my case with you all so that you can decide if there was “justice” here at SJSU in my failed promotion last year.

**Closing statement- (15 minutes)**

Remember, S98-8 is made up of two “buckets”

1. **Academic assignment = teaching + service to students and university**
2. Scholarly achievement = publications + service to larger community

**Bucket 1 is NOT teaching+ service to student/ university + [hidden criteria “collegiality”]**

**This is what the president is attempting to do here.**

I hope that have shown you here today that UNIVERISTY WILL VIOLATE ITS OWN POLICY AND MAKE STRAW MANS WITH THESE Letters of concern/ reprimand IN ORDER TO DENY MY PROMOTION. THE SYSTEM IS STACKED AGAINST ME AND PROBABLY MOST OTHER WOMEN OF COLOR HERE ON CAMPUS.

The contamination created by both James Lee and Alessandro de Georgi has reverberating effects for me and the retaliation continues even to this day. For example, I rebutted at every level that denied me, but at each new higher level I found escalation and more wonky policy interpretations coupled with attacks on my character in regard to my interactions with students and faculty. So this contamination, caused by a lack of a real conflict of interest policy on our campus, could literally let a rapist serve on their victim’s rtp process. It is that weak and punitive. I think we can do much better than this as faculty and as a campus community.

On another note, the President completely ignored my rebuttal to the provost and added letters in my personnel file that were either straw men or false flags or a combo in order to sidestep the compelling policy arguments I was making about my dossier in relation to the emptiness of my S98-8 bucket #1 at each level beyond my department that SHOULD have been filled with not just SOTES, but with the classes I created, my service as graduate coordinator, the mentoring I did with students project and theses, the work I do with student groups as their faculty advisor, the high level service I do for the university in my work to advance faculty rights as well as attempts to make this campus more socially just for women of color. But the real gaslighting here is that my SOTEs are actually very good.

But there is more to the story here beyond James Lee and Alessandro de Georgi. There is also the problem with Joanne Wright.

I co-chair CFA-SJSU’s Anti-racism Social Justice Transformation [or arsjt]. And out of 11 people who grieved their promotion last year, 7 were women of color which as you know included myself. ARSJT asked the Academic Senate not to adjudicate our 7 cases, but to investigate bias in the process. Apparently, the president and her representative in Joanne Wright were not going to have that. In an act that demeans faculty co-governance and attempts to subordinate us to administrators who are NOT our superiors [remember AAUP says faculty are NOT subordinate to administers], Joanne Wright effectively told the academic senate to cease and desist and I along with other women of color got a EO1096 from Julia Paissant in HR that was a subtle threat to stop our activism by claiming I can only make individual claims of discrimination and not group claims. I received repeated notices of EO1096 from Julia Paissant in what I regard was an attempt at intimidation. What Joanne Wright did, at the bidding of our president, was to practice unfair labor tactics on faculty who were trying to collectively organize around an equity problem. A PERB [public employee relations board] charge was leveled on Joanne Wright for her unfair actions and given this very history, I am again unclear why Joanne Wright is representing the university when she clearly has a conflict of interest with me here and elsewhere with the lawsuit, etc. You can read up about this in the Spartan Daily that covered our anti-racism activities last year and is also covering the story today for our campus.

Regardless, the Academic Senate report last year found bias in the rtp process when analyzing a year as sample data and they pointed squarely at SOTEs and their misuse in policy as one of the key problems for RTP and equity. Again and again, they highlighted that SOTEs are not being analyzed holistically, and it is my argument that if committees or individuals on these committees deviate from policy and cherry pick SOTEs in order to cast them all in a negative light, then you are acting punitively toward faculty. Thus I think as faculty we need to get organized and push back together to make sure that ALL FACULTY [t/tt, lecturers] have their SOTEs analyzed holistically and push for an equity audit, to see how this president’s administration has used SOTES as an instrument to suppress faculty advancement on this campus. I suspect what is happening to me with SOTEs is actually wide ranging and probably even more systemically abusive and shocking than my case here today. And if that is the case, then join me in the fight for fairness and equity.

6=grievances so far since settling my lawsuit at the end of fall 2018:

removal of me as an advisor without notice

letter of concern

letter of reprimand

grieve rtp

grieve non access to PAF

grieve violation of my privacy by sharing my dossier with others.

How many more grievances do I need to file before the university will choose to stop stacking the cards against me and treat me in a “collegial” manner?

And in regard to collegiality, I hope I make clear that it is very dangerous to use a squishy standard as an additional hidden criteria for promotion or advancement [as the AAUP argues]. I will provide you an example that just recently happened in my department that reflects this thoroughly problematic issue with this concept.

**Recently, a faculty member in my department got early tenure and promotion. This faculty member also got a year’s paid leave for a title 9 investigation. Here are some quotes from a joke syllabus he passed out to graduate students in this graduate class while I was graduate coordinator.**





While I admit I used unsavory language toward Alessandro de Georgi when I found out he did not ‘exonerate’ himself from my rtp process and decided, I guess on his own, to fully serve on my college rtp committee. I own that. In contrast, this faculty member is basically telling his graduate students that their biological mother should have swallowed their biologically father’s sperm instead of using that sperm to inseminate the mother’s egg and produce the graduate student reading this syllabus. I dunno, something seems rather off here in how I am being treated compared to others who are white men in regard to collegiality and the rtp process. To add insult to injury, this same faculty member was given access to my fall dossier and as I mentioned before in my opening statement, I have yet to hear from James Lee in his newish position as senior director of faculty affairs on how much my dossier was accessed by white men who should not have had access.

Finally, I asked several people to be witnesses for me at this hearing and more than one declined because they thought it would hurt their advancement at this university. This is why my only two witnesses are a retired faculty member Chris Jochim and semi-retired faculty member Steven Lee. This the level of fear we are dealing with here today on our campus.

What is the solution to this pervasive fear on campus by faculty about administration?

LOOK I want to make the case that:

WE ARE ONLY STONGER TOGETHER.

AND together WE CAN:

1)RESTORE or CREATE A MORE ROBUST FACULTY CO-GOVERANCE,

2) BREAK THE CHAINS IN THE “CHAINS OF COMMAND” THAT ADMINS USE TO SUBORDINATE US, AND

3) TAKE BACK THIS CAMPUS FROM THE CORPORATE-thinking, ANTI-FACULTY ADMINSTRATIVE PRACTICES AND IDEOLOGIES.

JOIN ME, FIGHT WITH ME, WIN WITH ME. WE CAN WIN THIS CAMPUS FOR ALL FACULTY TOGETHER!!!

I encourage faculty to file grievances and choose the statutory route so we can have more public faculty hearings so we can share our experiences about how we get hosed by this campus. The more we know about these tactics used that I outline today, the better we can be at fighting and resisting this hostile climate… and changing it for the better!

I would like to thank Marilyn Easter, Chris Jochim, Steven Lee, S[h]oma Sen, Marjorie Freeman, and the 7 women of color who were so very brave last year to fight the power and the system. It was an honor to fight with you and win. And for everyone who attended……

THANKS YOU SO MUCH FOR YOUR TIME, ATTENDANCE, AND SUPPORT! I send you much love and solidarity!!!!