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Caveat, January 30, 1978

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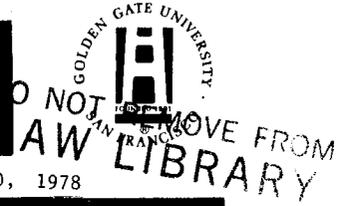
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CAVEAT



Vol. XIII, No. 19

Golden Gate University School of Law

January 30, 1978

Faculty Retention Procedures Challenged

by David Cooper

Since early this semester the Caveat has been hearing of a series of FSC Evaluation Committee meetings. While we have been unable to verify most specifics concerning these meetings, we do know that there have been charges of due process violations and misuse of evaluations in the Committee's decisions concerning the retention of non-tenured faculty members.

The Evaluations Committee is composed of the 12 tenured faculty, Dean Judy (who is also a tenured professor), and the two student representatives chosen by the SBA, Connie Tavel and Ron Schwartz. Professor Mike DeVito chairs the Committee.

In early December the Committee was required to give notice to some of the non-tenured faculty on whether they would be retained on the staff beyond this spring. We have been told by informed sources that in considering one professor's retention, the Committee gave little weight to positive student evaluations while relying heavily on negative "peer-group" evaluations. (These are reports from tenured faculty who have visited the non-tenured member's class.)

After Professor Laurie Deutsch failed to return this semester some students, in their concern that Laurie may have not been retained, were able to find out some details of the fall semester meetings in spite of the con-

SBA Meeting

The SBA held its first meeting of the year. It was chaired by Vice-president Mike (Dr. R) Rosas.

The first item discussed was the upcoming Affirmative Action Meeting. It was tentatively set at 3:00PM, on Thursday, February 9. There will be at least one student and one faculty representative from each of the following committees present: Hiring, Academic Standards, and Admissions. These reps will discuss the status of affirmative action in their respective committees.

Cindy Duncan then announced the formation of a new student group on campus, the Coalition of Concerned Law Students. (See Cindy's report in this issue of the Caveat.)

A discussion concerning the Evaluations Committee controversy ensued; concern was expressed that the standards used by the Committee are still secret. (Ed. Note: This is the case even though the FSC over one year ago ordered the Evaluations Committee to make their standards public. — MD)

Carole Levine then proposed that the SBA censure Neal Levy for his disregard of the concerns of his first year students manifested by his failure to correct their exams within a reasonable period of time. It was decided that the SBA would look into the matter further.

Melinda Power suggested that the SBA take some sort of action in opposition to the proposed Griggs Amendment. The amendment would forbid homosexuals from teaching in California Public Schools. The matter was tabled for next week's meeting.

\$112

DEAN RECOMMENDS 19% TUITION INCREASE

The law school administration has recommended a tuition increase of \$18 per unit to take effect this August. Total tuition will be \$112 per unit. Of the \$18 per unit increase, \$10 per unit goes to increasing the budget of the law school and \$8 goes to the University for increased maintenance expenses for the new building. The budget committee will write an extensive article for the Caveat as soon as we finish compiling the information and will hold meetings with students shortly thereafter. The Committee is working on ways to possibly eliminate or mitigate the effects of the tuition increase. Further info on that will be written up and discussed with the students also.

The Budget Committee

Gail L. White
Paul Konorick
Judy Middlesworth

idential lid placed on many of the Committee's proceedings. While Laurie has denied that she was not retained, this has not diminished student and non-tenured faculty concern over the criteria and procedures for retention. During December and early January, tenured and non-tenured faculty informally discussed their concerns and anxieties. This resulted in the calling of a meeting of the Committee January 12 to which the non-tenured faculty were invited to attend. We have been told that the major topics of discussion included the lack of non-tenured faculty and student participation in establishing criteria for retention, the absence of any written policy concerning the nature of the criteria, the weight given student versus peer-group evaluations, and the past and future effects of publication and "community participation" by faculty on retention and tenure decisions. A decision was reached to form a 7 member committee consisting of 3 teachers with tenure, 3 without, and one student, possibly from the Evaluations Committee.

On Friday, January 20, a group of about 25 students meeting under the aegis of Coalition of Concerned Law Students discussed student concerns in the matter. The meeting was initiated by student Cindy Duncan and, while not highly publicized, was attended by students in all years and included some night as well as day students. Among many other problems discussed, some students expressed their concern that present practices, as indicated by allegations of Committee behavior in December, may hamper future recruitment and retention of third world, women, and innovative faculty. Many other concerns were expressed and the group decided to summarize these in a letter to the Committee which was to be drafted by Cindy. Cindy's letter and her report on more recent developments follow.

CINDY'S REPORT

The following letter is the result of the first effort of a newly-formed student group at Golden Gate, informally known as the Coalition of Concerned Law Students (CCLS). Those of us who organized the first meeting did so primarily out of frustration and concern with respect to internal school politics and problems and the inactive status of students at GGU this year. We hope to meet on a semi-regular basis and discuss problems and, most importantly, discuss remedial response in the form

(cont.)

JAN 31 1978

GOLDEN GATE UNIVERSITY

(PROCEDURES CHALLENGED, from p.1)

of viable, constructive student action. We are an open group with no set format at this stage, and encourage other concerned students to come and participate. As evidenced by the letter, we are currently focusing our efforts on the evaluations procedure and will be probably "attacking" scheduling issues in the near future.

We have received a response to the letter from Mike DeVito, chairperson of the Evaluations Committee. Both he and Dean Judy have expressed their willingness to meet with students to discuss and hopefully answer the questions raised in the letter. The forum will be held on Wednesday, February 3, at 12:30 in room 207. Students are encouraged to attend. We envision this meeting to be the beginning of a serious attempt to educate ourselves about the evaluations procedure at GGU.

THE CCLS LETTER

January 24, 1978

Dear Tenured Faculty & Student Members of the Evaluations Committee:

In recent years, the Evaluations Committee at Golden Gate University School of Law has been the subject of serious and valid criticism. The Committee's failure to proceed in a fair manner with clearly delineated guidelines most recently resulted in a harsh, unfavorable review of the Committee's process by an outside arbitrator. In addition to the retention of Professor Segal, the basic outcome of that controversy was the introduction of student evaluation forms that ostensibly were statistically relevant and a general understanding that the Committee would "shape up" and operate as a just body. However, it has of late come to our attention that the Evaluations Committee is not abiding by any visible procedure that could be reasonably labelled fair or just, if, indeed, such a procedure does exist.

This letter does not address the specific issues concerning the sudden resignation of Laurie Deutsch, although that occurrence certainly manifests our fears with respect to the arbitrary, silent means by which the Evaluations Committee voted not to rehire Professor Deutsch at the end of the current school year primarily due to her poor student evaluations. (Ed. Note: Caveat has learned that her students this fall gave her very good evaluations.) Frighteningly reminiscent, a significant number of her Fall 1977 students counter that she was a fine teacher and exclaim astonishment in reaction to the Evaluations Committee's decision not to renew her teaching contract.

We address and made inquiries concerning the role of the student evaluations of nontenured faculty members in relation to other criteria used (or not used) by the Evaluations Committee in determining their future at GGU. Because we are a student body within an institution that by its nature is often alienating and removed from our goals, we experience a tremendous sense of powerlessness over our immediate destinies. Student evaluations of teachers, in theory, offer us a profound and positive voice in the administration of this institution. Unfortunately, at this point in time, the weight of the evidence (sketchy, that it is) indicates that our evaluations as a whole do not have the effect of positive exercise of student power. The haphazard administering of the

forms, uncertainties and speculation as to what they really are, the questionable roles they play, and particularly, the lack of any consistent procedure of the Evaluations Committee render our participation as "evaluators" a frustrating exercise of power without responsibility. The results of such a system are many; chaos is inevitable and subsequent decisions regarding the retention of teachers, even though they may appear to be made conscientiously, are not fair. Ultimately, we cannot help but to fear that student evaluations can be used in a most manipulative fashion by an Evaluations Committee whose fairness of process is certainly not evident to those of us who participate to the extent that we fill out our evaluations forms.

Specifically, we voice the following criticisms and inquiries: Students are not given enough time to fill out evaluations forms. The forms are not presented to us by persons from the Evaluations Committee. What actual importance is accorded student evaluations? How are they read and by whom? Who computes the numerical scores? Are the written comments recorded in any coherent manner? What weight is given the numerical results as opposed to written comments, which may not correspond to the numerical score? What are peer evaluations? Which govern when peer evaluations are the opposite of student evaluations? Can they be submitted late? If so, to whom? Is there a procedure for students who are absent to later fill out evaluations? Is it permissible for teachers to mail evaluations forms to students who were not present in class during the evaluations period? Can a teacher have good student evaluations and still not be rehired or offered tenure? Can a teacher have bad student evaluations and still be rehired or offered tenure? What does the Committee consider "good" and "bad" evaluations? What are the factors which the Committee takes into consideration when deciding whether or not to retain a teacher? What is the voting procedure of your meetings, i.e., need a member be present to vote, do you require a quorum, etc.?

In addition we express our dismay with respect to the fact that the nontenured faculty (approximately one-half of the total full-time faculty) is without representation on the Evaluations Committee, and request that reasonable steps be taken immediately to allow representation. Allowing such representation would demonstrate the good faith of the Committee members in instituting an evaluations procedure which is fair.

We ask that you respond to this letter through your chairperson in care of the Caveat no later than two weeks preceding the spring semester evaluations period. We reiterate our concern over the continued questionable functioning of the Evaluations Committee. Most importantly, we emphasize that our concern and criticism is premised on the exigency for a fair procedure to be adopted and adhered to by your Committee, and on the desire that our participation, as students, in the evaluations process be a responsible exercise.

Respectfully submitted,

Cindy Duncan for
Coalition of Concerned
Law Students

EDITORIALS

PROCEDURES AND ACCOUNTABILITY

by Ruth Edelstein

Controversy about the procedures of the Evaluations Committee has reopened and should serve to exemplify to all of us the clear inequality of power distribution at GGU.

The Evaluations Committee operates in secret; their process is closed and their decisions are sheltered from attack. Neither students nor non-tenured faculty are given concrete information around the content of the Committee's deliberations. In short, the Committee has absolute control over evaluations and to nullify any potential opposition to its decisions, refuses to make public the

record of its deliberations.

Some might raise the issue of student presence on the Committee. It is true that two students are members of the Committee. However, those students are powerless. They are quite openly alienated from their constituency because they are told that if they reveal the workings of the Committee they will be "removed" from it. They are double-bound into participating in this prohibition because they are subtly advised that if they can't keep the confidences of the committee, no students will be allowed to participate on it. The administration, then, can claim that technically students are involved; but, we should understand that in actuality their source of strength (the student body) is off limits.

(continued back page)

announcements

OPEN MEETING ON FACULTY EVALUATIONS

Dean Judy and Mike DeVito will attend a meeting called by the Coalition of Concerned Law Students to answer questions concerning retention criteria for non-tenured faculty. (See story front page.) Wednesday, February 3 at 12:30, room 207.

COALITION OF CONCERNED LAW STUDENTS MEETING

Friday, February 4, at 12:30. Room to be announced. We plan to discuss the Evaluations Procedures and the tuition raise. All students are invited to attend.

FSC MEETING

There will be a meeting of the FSC at 3PM on Tuesday, January 31 in Room 205. Agenda items are as follows:

- Approval of distributed minutes of prior meetings
- Submission of candidate to the FSC by the Hiring Committee with a recommendation that an offer be extended.
- A discussion of externships with an emphasis on whether there are or should be academic pre-requisites.
- A motion reading as follows:
"That each person presented to the FSC for full time employment be asked to make a short presentation to the group in lieu of or in conjunction with being interviewed by the group. The duration, style, and topic of the presentation shall be left solely to the discretion of the person being interviewed."

STUDENT/ALUM PROGRAM

Interested in learning what a criminal, labor, family, environmental, tax, real estate, etc. practice entails? And how best to prepare for practice while in school? And where the post-graduate job opportunities are? Ninety-eight of our alums are ready to get-together informally with you for lunch or a half-hour meeting, for example, to discuss the many aspects of their practices and answer your questions. Wally has the information; see him.

PHI ALPHA DELTA

P.A.D. will hold a meeting this Wednesday, January 30 at 12:30 pm in Room 205. The primary topic of discussion will be the election of new officers. We will also plan activities for the spring semester, including visits to courts and chambers of various judges, the Big Brother/Sister-in-Law Program, and a joint student-alumni social function. All members and potential members are welcome. If you are unable to attend, but are interested in running for office, or organizing an activity for spring, please leave a note in the P.A.D. box in the faculty center.

SPEAKERS PANEL ON CRIMINAL LAW

The Phi Alpha Delta Chapter at USF has invited Golden Gate students to a speakers panel on criminal law. On the panel will be Judge Harry Low, SF Superior Court; Judge Daniel Hanlon, SF Municipal Court; Alvin Knudson, Deputy Attorney General; Paul Cummins, Assistant District Attorney for SF; Jeff Brown, Head Trial Attorney, Public Defenders Office; and Harvey Goldfine, Deputy Public Defender, SF. The panel will be held in the Moot Court Room, Kendrick Hall, at USF on Sunday, February 5, from 1:30 to 4:30 pm. This presentation is free and open to the public.

NADER RAIDER COMING

Craig Kube from Ralph Nader's office in Washington will be at the school at noon on Tuesday to talk to students. He is currently touring California to visit selected law schools in promoting a new Nader project, the Equal Justice Foundation.

The Foundation is to be a grass roots public interest organization whose primary focus will be to improve public access to justice.

SBA MEETING

There will be an SBA meeting on Thursday, February 2 at 4:00 p.m. in a room to be announced.

Agenda: Affirmative Action Meeting.
Filling the 2nd year day SBA rep slot created by the resignation of Pat Coughlin.
SBA action on the proposed Briggs amendment which would bar avowed homosexuals from teaching in the California public school system.
Faculty Evaluations controversy
Problem of professors who turn in grades late.

ARE YOU IN THE JOINT DEGREE PROGRAM?

If you are, and have not informed the Registrar during registration, do it now.

SUPPLY AND COPY AUTHORIZATION

Faculty members and student organizations, due to a change in procedures all copy-work and supply requisitions must be authorized by Office Manager Mary Selvy. This means that it will do you no good to go down to the copy center without seeing Mary first. In addition, copies ordered will be available only at the Faculty Center East (main building) on Tuesdays and Thursdays.

SUMMARY OF RULES ON RE-EXAMINATION IN FIRST YEAR COURSES

1. Re-examination in courses in which a grade of C- or less is achieved is required if, at the completion of the first year, your cumulative GPA is below 1.75.
2. If at the end of the year, your GPA is between 1.75 and 1.99, you will be on automatic probation and may, at your option, re-examine in courses in which you received a C- or less.

This is only a summary of the applicable rules. A copy of the complete set of rules on re-examination and probation are posted on the Deans' Bulletin Board.

CLIENT COUNSELING COMPETITION

This year's topic for the annual Client Counseling Competition is the hot issue of "Marvinizing", the legal aspects of "living in sin".

A meeting of those interested will be held Tuesday, Feb. 7, at 5:00 in Roger Bernhardt's office. Night students are particularly encouraged to attend. Come with a partner for your counseling team, or find one at the meeting. Winners in the intramurals advance to the regionals at the Southwestern School of Law. More information on the competition will be available in the next Caveat.

It seems on the face of it that the administration and tenured faculty feel the need to monopolize power, and, furthermore, to cloak their power in secrecy such that their decisions can't be publicly reviewed. This policy creates a situation where all potential opposition to committee decisions is rendered impotent simply because there is no factual basis for attack. If no one knows what really happened, how can anyone be criticized?

Non-tenured faculty are uninformed and unrepresented on the committee such that they are not only denied input and involvement in the evaluations process, but are basically put in a position where they are "tried" and "convicted" by an invisible and unaccountable tribunal.

It can be said that secrecy serves to protect the interests of the faculty who are being reviewed, i.e., secrecy prevents disclosure of "bad" evaluations. However, secrecy also (coincidentally?) protects members of the Committee from being held accountable to the community at large for misuse of their power.

The issue, here, then is not simply that the Evaluations Committee makes decisions that some of us don't like, but, rather, that unbridled, unchecked power, on its face, creates a climate for abuse.

As students, we have a clear investment in assuring ourselves that faculty are competent. We have an investment in assuring that evaluations procedures are fair; and fairness demands disclosure and accountability.

PROCEDURES AND POWER
by David Cooper

While much of the talk about the Evaluations Committee controversy has centered on retention criteria, I think that there are other issues that students should keep in the back, if not the front, of their minds. Lurking behind the issues of procedure are other questions, one of which is the question of the distribution of power within this institution.

Most of the time people are not particularly aware of the existence of power centers in the school. Most of us as students and teachers feel that we have some power. Usually the biggest obstacle for an individual or group in trying to establish a class or a program is in the taking of the initiative to do it. And usually we can proceed without fear of restraint. But the recent stories coming out of the Evaluations Committee have raised to the fore the fact that a potential source of constraining power does exist here. Specifically it is the power to refuse tenure and retention. The nature of this power is such that it is a greater direct threat to teachers than it is to students. All we have to do to stay in school is to pass anonymous tests. Non-tenured faculty however must face the all too unanimous judgement of their "peers". It is partly for this reason that non-tenured faculty and many students have raised the demand to clearly spell out the rules for the retention of faculty. Without such clear spelling, teachers without tenure, though they may have popular student support, will find themselves time and again playing a game of changing rules where the kid with the bat calls the shots.

In fact, this is not the first time in recent memory that this controversy has occurred at GGU. Two years ago one faculty member was denied tenure by the Evaluations Committee. A struggle ensued that lead eventually to an arbitration proceeding. The holding in that proceeding supported the professor's claim of due process violation. The law school was advised to spell out its tenure criteria and to change the student evaluation forms. While forms have been modified to some degree, tenure and retention criteria have been left to sit on the back burner.

SOUTH OF MARKET GOURMET

by David Cooper

I hear tell that ZAZU PITTS has picked up more business as a result of our S of M Gourmet column than they did from from being mentioned in Herb Caen. (So why am I not on the food page of the Chron?) Anyway, I've gotten a lot of feedback (so to speak) on the reviews and so this week our subject is a place I'd never been to before and which was suggested by some students.

THE FRIENDLY CAFE

To get there go out the back door of the school and up the alley toward Market. Turn right at Stevenson Alley (where the Haven's at) and walk toward First Street. The Friendly Cafe will be on your right near First.

This is a place to go for a good plain hot meal. They have sandwiches which have good quality meat but of low quantity. Still, their strong point is their hot meals and what they're best known for is their Hamburger Steak. The steak seems to be a third of a pound or more. It comes with sauteed onions, a cooked vegetable (fresh), french fries, and a sour dough roll for \$2.00. The french fries are very good for those of us who don't favor "McDonald Slims". Besides the Hamburger Steak they have one or two specials everyday. Of these, I've had their Corned Beef and Cabbage (\$2.35) which came with fresh cooked veggies, boiled potato and roll. The beef was surprisingly lean. Other specials I've seen which looked good, but which I haven't sampled are Fish & Chips (\$1.85, Friday) and Frank and beans (\$1.89, Thursday). The frank looked pretty big and the beans were cooked pinto beans rather than the canned baked beans.

The Cafe also has good bowl lunches with a different soup each day. I had three (mushroom, egg flower, and chicken rice). They're fresh made and chunks of chicken in all of them. The soups vary in cost: 50-60¢/cup, 70-90¢/bowl. They also have Chili which I haven't tried.

The Cafe is an early bird place opening for breakfast at 6 a.m., closing at 2 p.m. A large part of their business is the morning crowd. They have two basic breakfasts: 2 eggs, hash browns (minimum grease), and toast (white or whole wheat) for \$1.15, and one egg and toast, 85¢. The coffee is good but extra (30¢ first cup, 10¢ after).

Commuter Station Cocktails is right next door to Friendly at 38 First Street and a hallway connects the two so that you can eat restaurant style on Friendly food at C.S.C. But frankly, I prefer the atmosphere at the cafeteria.

(ANNOUNCEMENTS, from page 3)

LOST & FOUND

A series of typed notes on Labor Law headed "EMPLOYER ULPs" was found in room 207. If it is yours, claim it at the lost and found which is in the basement Mail Room.

GRADUATE FELLOWSHIPS

The deadline for filing for new State Graduate Fellowships is February 6, 1978. Applications must be postmarked by Feb. 6 and sent to the Student Aid Commission, 1410 Fifth Street, Sacramento, CA 95814. Financial Aid Forms must also be postmarked by Feb. 6, and should be sent to the College Scholarship Service, Box 380, Berkeley, CA 94701.

Graduate Fellowships are competitively available only to student pursuing a recognized degree and who will enter their first or second year of graduate or professional school beginning September 1, 1978.

For more information, see the Dean's Bulletin Board.