

UCSC - Faculty

# Affirmative Action or Dirty Pool?

## Chancellor Caught in Hiring Snafu



By Elizabeth Kadetsky

**A**s we sat in special assistant for affirmative action Julia Armstrong's office discussing university policy and procedure, affirmative action and lofty moral ideals, I caught a glimpse of a shadow and turned to see UCSC Chancellor Robert Bocking Stevens nervously staring into our conversation. The shadow was too clearly a metaphor for what looked like the shady side of university politics—for the growing skepticism and wariness on campus regarding UCSC's new Stevens administration.

Sometime that week in late February, *The Sun* has learned, the chancellor came through

Armstrong's office with a slip of paper, letters, and an explanation attached to it, and gave preliminary approval to waive affirmative action guidelines in order to bring a certain scholar to the UCSC campus.

In the wake of one resignation and a series of raucous meetings involving two UCSC boards of study, the chancellor had quietly proceeded to secure an extremely irregular appointment for the husband of UCSC acting Academic Vice Chancellor Isebill "Ronnie" Gruhn. Amid charges of nepotism, thwarting affirmative action and denigrating university standards, the chancellor had carefully passed this affir-

mative action waiver through his office, on to a series of advisory committees and tried to turn it into a highly controversial academic appointment.

If this appointment passes muster in two committees during the next few weeks, it will be for many people a testament to a private-college mentality operating in a public university. It will be testament to a certain deviousness, the sort of white lying that is spared the courts, but that throws a pervasive aura of distrust about all of the people involved.

But, according to sources close to the administration, this pending visiting appointment

was merely a backup plan devised when what could have been an even more irregular hiring plan fell through early this winter. The original plan, to secure Gruhn's husband a tenured, permanent position on campus, has been whispered through faculty offices, casting a specter of impropriety over the Stevens administration's entire academic planning process.

Charges floating through campus have expanded to include the potential misuse of public university funds, the scorning of the university's consultative planning process and breaching of conflict-of-interest guidelines. A number of academic personnel have gone so far as to charge that Gruhn, a controversial figure from the outset, has rigged academic planning in order to create a high-level position for her husband.

**T**he tales of intrigue leading up to last week's affirmative action waiver are filled with acrimony. The charges, at times, smack of personal vendettas and visceral responses to Gruhn, an admittedly hard-nosed administrator.

*The Sun*, however, has learned that the chancellor and Gruhn drew up a carefully concealed and fragile pact shortly after Stevens's designation as UCSC Chancellor last May. According

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to faculty close to the administration—and as later confirmed by Gruhn herself—Chancellor Stevens agreed that if Gruhn would accept the job as acting academic vice chancellor for two years, Stevens would arrange a job for her husband, Dale Johnson.

The agreement, though not blatantly illegal, hints at a breaching of rules including conflict-of-interest guidelines, standards for the use of public university monies and, most clearly, abuse of power. "This not only looks bad," commented Environmental Studies chair and History of Consciousness faculty member Gary Lease, "but it does genuinely leave a bad taste in your mouth. You can't shed the feeling that people are benefitting because of their position, and that's bothersome."

Public university guidelines and standards are key to the original pact, and are perhaps the ground on which many faculty members seem ready to offer the chancellor limited forgiveness. A former faculty member at Yale and Tulane universities and former president of Haverford College, Stevens clearly has a background in the small, private-college world. It's a world where, by reputation at least, secret deals and handshakes under the table are the norm. "A public university is under much greater scrutiny," Lease continued. "All of the

regulations and all of the procedures under which you conduct business are under much greater scrutiny. I don't think there has been any doubt that that has been a major part of the issue. There's a lack of understanding that, hey, this is a different kind of game."

However, the application sitting on the desks of befuddled members of committees of the UCSC faculty Academic Senate may be a sign that the rules are changing to accommodate Stevens. This appointment and affirmative action waiver have dragged the UCSC dean of Humanities and members of academic boards into an arcane hiring procedure unlike any before it. It's a procedure in which one individual's need to find a spot on campus seems to come before the campus's educational need. It's an appointment that may not even be justified as a piece of the campus curriculum.

"The issue of pedagogical justification is a major question and the answer is not clear at all," said Lease. "Is the position justified because this person wants it and this person is in a position of power and important enough that this kind of exception is justified? Well then you are playing with political dynamite. It may be legal, but it doesn't look good to use affirmative action waivers for purposes which are other than pedagogical."

**T**he fumble that characterized the administration's "Plan A" for Johnson cannot help but cloud the circumstances of his temporary appointment. Johnson, chair and founder of the East Asian Studies department at Oberlin College, originally applied for a senior-level position in the field of Asian cultural studies on the UCSC Literature Board. But the Literature Board review committee left Johnson off of its "short list" for the permanent position last November; he was clearly not one of the three candidates they would seriously consider for the job. (That search has since been aborted; none of the candidates was considered qualified.)

Johnson now applies for a visiting appointment amid widespread knowledge that he did not qualify for the job under the original search. The logical extension: He is not qualified for this job.

A visiting appointment *can* go to an individual less qualified than someone filling a slot for a senior-level position; the position is temporary, the university has less at stake and often hires more freely. But in all respects, this particular appointment is typical of the kind that goes to an eminent scholar, an "Albert Einstein," in UCSC Dean of Humanities Michael Cowan's offhand description.

Perhaps the most irregular aspects to the appointment are: that it is divisional, made for "some kind of special opportunity," in Cowan's words; and that the chancellor requested it of Dean Cowan, who has turned around, completed the circle and requested it of the central administration.

"Can there even be a visiting divisional appointment?" asked Lease. "Who are the faculty asking for this visiting appointment? And may the dean alone ask for a visiting appointment? These are questions that are not entirely clear and there has been a good deal of discussion about the propriety of that."

"The divisional appointment is used for people who don't fit neatly into an individual department," elaborated German Literature professor John Ellis. "If a divisional appointment is used for people who do fit into an individual department but simply don't make it through that department's appointment process, then the divisional appointment is being used to evade the rules. And that in effect is a violation of the spirit of the guidelines between the administration and the Senate."

The internal nature of this request is by most counts "highly irregular." And according to the *University of California Academic Person-*

*nel Manual* and most spoken interpretations, faculty hiring is never an internal tool of the administration. Requests for permanent and temporary appointments almost always originate with recommendations or requests from the board of studies.

**B**ut as this tale unfolds, it appears that back in January members of the appropriate board of studies, Literature, were too shocked to recommend Johnson's temporary appointment. Within months of his original rejection slip, the chancellor sent Johnson's file to the board and asked members to consider making a recommendation to hire Gruhn's husband, this time on a temporary basis.

Board members balked and suspected the worst. They assembled at a meeting that was by all accounts "raucous," perhaps venomous. And according to the minutes of this February 3 affair, the faculty agreed that "in light of the procedural irregularities surrounding the initiative," it would be "inappropriate" to entertain the notion of hiring Johnson. They made no recommendation whatsoever to the chancellor.

Images of things crumbling come up recurrently when people talk about the fracas. And things began to crumble at this point. A flurry of speculations whipped through campus. Arts Director David Cope had recently resigned because of alleged conflicts with Gruhn. Then it surfaced that Cope had filed a complaint with the Senate Affirmative Action Committee. In it and in his resignation letter he charged that Gruhn had stuck a free hand into academic planning for the Arts Division. Among other things, he said, Gruhn had "insisted that East Asian specialists be favored" in the search for a permanent, non-western art historian. It was an "imprudent" action, he wrote, given her husband's position at Oberlin. The charge quickly slipped to members of the Literature Board, who suspected that high-level positions throughout the campus had been illegally groomed for Dale Johnson.

Gruhn, in one of four UCSC positions second only to the chancellor, is encharged with two programs in which faculty smelled abuse. She directly supervises faculty affirmative action. And as the campus's academic planner she formulates the academic course of the campus, essentially allocating FTEs (Full Time Equivalents) to boards of study, deciding what new positions should be added throughout the campus, when and at what levels.

In his resignation letter Cope pointed out procedural irregularities in the search process for the Art History position and claimed that Gruhn was bypassing his authority and in the process flirting with conflict of interest. He

suggested that Gruhn had directed applications to her office rather than to his or to the Art History Committee's office, "an extraordinary request." And he recounted that he had been told that "leading candidates were to be contacted so that they could assist in wording the formal announcement for the position for which they would apply. This constitutes the most flagrant violation of affirmative action which has ever been suggested in my presence by anyone," he wrote, "let alone the officer entrusted with enforcing it."

In curious parallel to Cope's charges, the Literature Board's search for an Asian expert was also characterized by a lack of consultation. No one on the literature board was quite sure why Gruhn had allocated the senior-level Spanish or Asian position in language and cultural studies, a position later limited to Asian and for which her husband applied. When requesting FTEs for the upcoming years, the board had not included this position in a list of its top 10 requests. And according to various University of California documents including the *Academic Personnel Manual*, new FTEs are almost always allocated at the junior, non-tenured level, not at the senior level.

However, the matter can't be discussed without taking into account Gruhn's administrative style. Quiet criticism describes her as "autocratic" and "blunt." She made a lot of enemies when she took her acting post last May. And a lot of faculty felt double-crossed when her FTE allocations turned out to be different from (or less than) what they had expected.

Both Gruhn and Dean Cowan, meanwhile, offer a plausible explanation for the allocations. And many suggest the acrimony has more to do with Gruhn's personality than with the process involved. The administration has toyed with a program in Pacific Rim studies and four UCSC scholars in Asian studies have recommended more Asia-oriented positions. A *Humanities Division Five Year Plan* drawn up in late 1985 demonstrates a notable thrust toward a new program, lacking leadership, in language and cultural studies of the Pacific Rim.

"You've got me in a corner," Gruhn said defensively, "Merely because I have a husband in Chinese literature, every position that is in East Asian art is going to be charged as somehow [connected]. How am I supposed to behave as responsible academic vice chancellor? Do the students and campus as a whole suffer for decades to come because I am now going to be defensive? ... If I behave responsibly and make sure that this campus has a reasonable representation in Latin America and Asia, I am accused that I have a personal interest in the area."

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**F**riends in high places, "inside tracks," are discouraged, meant to be a thing of the past in university hiring. According to guidelines applicable to agencies that receive federal and state monies, all faculty hires must be preceded by affirmative action searches, or by waivers of affirmative action. The affirmative action searches are then open recruitments that guarantee people without "inside tracks" equal access to the application process.

Dale Johnson's mysterious affirmative action waiver, requested and approved by the chancellor, has thus given an ironic affirmative action twist to this debate. The chancellor admitted in his opening speech to the Academic Senate last October 7 an interest in developing a spousal hiring policy for purposes of affirmative action. "Spousal or partners' employment problems have proven to be a significant barrier to our employing or retaining some of the persons we really want to have on our faculty," he said at the time. "When the other person is an academic, it would be pleasant to create another slot as other campuses are reputed to do."

According to various firsthand accounts, including that of Chemistry Board chair David Klinger, Stevens has reiterated the above scenario, this time with regard to Gruhn. "I think it's really good for the campus to have a woman as vice chancellor, and we need to go out of our way to have that," commented Klinger. Stevens's original promise to Gruhn was merely a preemptive use of a type of affirmative action policy, he recounted. "Giving someone some kind of special help is not opposed to affirmative action," Klinger continued, "it's supporting affirmative action."

But even the use of such a lofty ideal, a sort of cornerstone of the UCSC morality, has attracted scrutiny. The university does not have a spousal hiring policy; so far it is but a glimmer in the minds of many who suggest it is a good idea. If the university did have such a policy, it would have been torn and touselled, thrown about on the floor of the Academic Senate and refined into a policy with specific guidelines.

The use of such a policy, nebulous and non-existent, reeks to many of the power dynamic that has characterized the entire affair. Do you use a policy the first time to benefit the people who invented it? Do you use a policy before you have received the assent of faculty members, faculty members who were once integral to the planning process? And do you use the policy when it applies only remotely, since Gruhn was not being recruited to the campus but was being promoted to a new position?

The suggestion of flouted affirmative action guidelines, of an exception to rules related to a position of power has spawned the worst criticism, the most serious allegations. Gruhn contends there is "not a shred of evidence" to support charges that she has rearranged faculty allotments for her own benefit. And no serious evidence has surfaced.

However, the suggestion of impropriety pervades every aspect of university life. The system appears, to faculty members within it, to be a system where deals are covert, where no suspicion is beyond plausibility.

Even "the passage in the speech to the senate reeks to me of a kind of [covert agreement], in view of the fact that that was given three or four months after this deal had been cut," as one member of the campus community said. "How perfect that when controversy finally throws that off, you can turn around and point to this thing and say, 'Ah, see. This is one of my policies.' ... If in fact sometimes at this level of power this kind of discretion is necessary, if that is acknowledged as a fact of life, why not admit it? Why not stand up and say clearly and loudly to the world what you're doing? It would still be controversial, but it would not be devious." •