

A reply letter from Prof Tony F Chan

Carsten Holz <carstenholz@gmail.com>

Fri, Feb 14, 2014 at 5:46 PM

To: "Office of the President, HKUST" <ophkust@ust.hk>

Cc: Wei Shyy <weishyy@ust.hk>, "Dr. David Mole" <mole@ust.hk>, Kalok Chan <kachan@ust.hk>, Siu Fai LEUNG <sfleung@ust.hk>, LEE James <jqljzl@ust.hk>, Kellee S TSAI <ktsai@ust.hk>

Dear President Chan,

thank you for your letter dated 7 February 2014.

I apologize for submitting my grievance to you rather than to the Executive Vice-President & Provost (EVPP). The University's Staff Grievance Procedures ("the Procedures") do not mention the EVPP and I did not make the connection between "Branch Head" in the Procedures and "EVPP." If you had informed me right away, I would have re-directed my grievance to the EVPP.

From your letter, I conclude (i) that you have handled my grievance (even though this means we have jumped the EVPP stage) and (ii) that you are dismissing my grievance in accordance with article 17.a of the Procedures (you choose the course of action of "dismissing the grievance if [because] it does not fall within the scope of these procedures"). If you have not handled my grievance, please let me know and I will submit it to the EVPP. If you have handled my grievance but not dismissed it, then I herewith request that a Hearing Committee be established in accordance with article 19 of the Procedures (and please let me know that this is happening).

You state that you consider the Procedures not to be the appropriate mechanism to deal with this matter and cite section 3 of the Procedures that "Matters about which an appeal properly lies under separate University procedures ... shall not be resolved with these procedures." You do not inform me of what the "separate University procedures" are. You write that the University Senate has delegated the overall authority and responsibility for approving undergraduate courses to the Committee on Undergraduate Studies (CUS) and that the issues that I have raised fall under the ambit of the CUS. You do not specify the regulation that shows that my matter falls under the ambit of the CUS.

Searching online, including through the intranet, I find the Committee on Undergraduate Studies website ([https://www.ab.ust.hk/ccss/Senate Committee CUS.htm](https://www.ab.ust.hk/ccss/Senate_Committee_CUS.htm)) with the terms of reference of the committee. These do not include an authorization of the CUS to allow one department to systematically block another department from teaching courses in the PhD discipline of their faculty, and none of the terms of reference would appear to cover a range of possibilities that includes such an action. I do not find any CUS regulations online.

My contract is with a public university and I expect to have ready access to the regulations that govern my work at this public university. I contest any expectation of me to comply with secret or hidden regulations. I expect you to cite the specific regulations which in your opinion justify your dismissing my grievance.

You say that I could contact Dr David Mole, Associate Provost (Teaching and Learning), in his capacity as Secretary to the CUS, for advice on the appropriate academic procedures to follow, and I have just emailed him and asked him for a copy of the CUS procedures under which my grievance may fall.

Based on the information you provide, I do not share your evaluation that my grievance falls under the ambit of the CUS. My grievance is about the double standard created by a University Appointments and Substantiation Committee (UASC) decision vs. decisions made by the Head of the Department of Economics (presumably permitted under CUS policy), and *the CUS is not under the University Appointments and Substantiation Committee*. My requested solution could possibly be addressed by the CUS if CUS accepts the UASC decision as the superior law—which it may not. Therefore, the resolution of my grievance properly belongs to an authority that is above CUS and UASC.

My grievance has been shared with colleagues all along as the matter affects a number of faculty members as well as the division in total (and potential hires). I would also like to share your response, i.e., your letter of 7 February 2014. It is not stamped ‘confidential’ and I therefore see no problem sharing it – if I miss something, please let me know by 18 February (in the meantime I will hold off sharing the letter).

Sincerely,

Carsten Holz

Grievance against Head of ECON / President's Letter

1 message

Carsten Holz <carstenholz@gmail.com>

Fri, Feb 14, 2014 at 5:43 PM

To: Mole@ust.hk

Dear Dr. Mole,

you will have received the President's letter of 7 February 2014, addressed to me and cc'ed to you.

This communication from me to you regards my grievance against the Head of the Department of Economics, which the President considers to fall under section 3 of the Staff Grievance Procedures, which state that "Matters about which an appeal properly lies under separate University procedures ... shall not be resolved with these procedures." The President asserts that the issues that I have raised "fall under the ambit of the CUS."

I write to you, as Secretary to the CUS, to request access to the CUS regulation that regulates grievances of my type (in the President's terms, the "separate University procedures").

-- For your information, I attach my original grievance (addressed to the Dean of the Business School, who failed to respond by the deadline), as well as my additional letter to the President after passing my grievance on to him.

I look forward to hearing from you.

Sincerely,
Carsten Holz

2 attachments



CarstenHolz-GrievanceAgainstHeadOfEcon-BSchoolDean-4Dec13.pdf

20K



CarstenHolz-GrievanceAgainstHeadOfEcon-PresidentByEmail-

OriginalEmail-17Jan14.pdf

13K