

To: Standing Committee for Academic Review Procedures
From: Carsten Holz, Associate Professor, Social Science Division
Date: 15 March 2007

Appeal against the decision not to lift my floating salary bar on 1 July 2005
(Letter by Yuk-Shee Chan, Vice-President for Academic Affairs [VPAA], 6 June 2005)

In accordance with AP24.0, I wish to appeal against the decision not to lift my floating salary bar. My appeal is on grounds of a violation of the “relevant established policies and procedures of the University” (3.3, AP 24.0) by the then dean (Professor William Tay). Below I cite the dean’s evaluation of my floating salary bar review case in full, and then point out why I think he has violated the University’s established review policies and procedures.

The dean’s evaluation, where the numbering of sentences is mine, reads as follows:

“[1] Dr. Carsten Holz of the Division of Social Science is currently at B13 and has applied to cross the salary bar. [2] Dr. Holz should have come up for the bar review in 2004, but was delayed due to an earlier bar.

[3] The reviews from the committees and the head are in favor. [4] However, the school academic review committee does not appear to be particularly enthusiastic. [5] [5a] I share the less than enthusiastic judgment of the school committee and [5b] **do not** [emphasis in original] recommend Dr. Holz for bar-crossing.

[6] I have alerted the head about my decision and have asked him to take this into account in his deliberation of merit increase/award. [7] If Dr. Holz’s bar were not to be lifted, on the basis of the generally favorable reviews, there should be an increase in the current review exercise.”

The VPAA, Professor Yuk-shee Chan, responded to my review file by writing to the dean: “I agree with the assessment that Dr Holz’s overall achievement is not sufficient to cross the floating bar and concur with your recommendation that Dr Holz’s floating bar shall not be lifted.”

Ad [1]: I agree that I have applied to cross the (floating) salary bar.

Ad [2]: In my view, this statement is irrelevant to this academic review, and furthermore incorrect.

Someone who has been sentenced in court is a free man once he has served the sentence. One cannot be sentenced twice on identical grounds. The earlier salary bar, that the dean refers to, was imposed in 1998 and was removed on 28 April 1999. It is not an evaluation of my performance in the three years prior to this 2005 floating salary bar review, nor an evaluation of my life-time performance.

The statement is incorrect in that I do not see any grounds why I should have come up for bar review in 2004. I was substantiated on 1 July 2002 with the ensuing 3-year floating salary bar cycle lasting through 30 June 2005. I applied for floating salary bar review, exactly as I should, in the 2004/05 academic year.

Ad [3]: This statement is correct.

Division academic review committee: “The committee’s vote was unanimous, that Dr Holz should advance over the salary bar to the next higher point.”

Division head: “I’m in full agreement with the Committee’s report and recommendation that Dr. Holz advance over the salary bar to the next higher point.”

School academic review committee: “A secret ballot taken at the end of the discussion by the three members at the professorial rank has resulted in a unanimous vote in favour of the recommendation that Dr. Holz be approved to cross the floating salary bar.”

Ad [4]: This statement is not legitimate.

Following the explanations by the current VPAA, Roland Chin, at the 15 February 2007 Forum on Academic Review Policy and Practice, I conclude that this statement violates review policy. According to the VPAA, in an academic review it is not legitimate to *read anything into* an evaluation by others; one can only use that which is explicitly stated; and reading something into an evaluation that is not explicitly stated would in the U.S. lead to a law suit. In my view, this was a repeated, unambiguous statement by the VPAA that reading anything into an evaluation is not legitimate.

Ad [5]:

The first part of this sentence, [5a], is not legitimate. It goes even further than [4] in that it *asserts* that the school academic review committee is less than enthusiastic, even though the school academic review committee’s letter does not say so at any point.

The second part of this sentence, [5b], is not an independent sentence. In as far as it constitutes the conclusion of [5a], something that violates proper review procedures, [5b] becomes untenable.

Ad [6]: This sentence contains no new information regarding the dean’s decision on my floating salary bar review. The reference to merit increase/award is irrelevant to this floating salary bar review. The floating salary bar regulation (AP21.1) does not refer to merit increase/award.

Ad [7]: This sentence is irrelevant to this review. This is a floating salary bar review and not a merit increase/award review.

In my view, the dean has violated the university academic review policies and procedures on each of the following three grounds.

(1) He is applying illegitimate review procedures.

(2) He has based his *decision* [5] on reading something into the school academic review committee report that is not stated there.

(3) If one wanted to read anything into [5b] (even though “reading into” is not legitimate), one could perhaps read into it: “[I] **do not** [emphasis in original] recommend Dr. Holz for bar-crossing.”

If one does so, i.e., if one violates university review policies and procedures, and then considers *only* this fictitious sentence in isolation, one faces an additional hurdle in form of item 13 in AP20.0: “The academic administrator (the Head, the dean and the VPAA), *who will review and make their own independent judgment on an application based on the*

recommendations of the relevant committees [emphasis by C.H.], shall not participate in the deliberation process on any review committee of his or her parallel or lower level (if appropriate).”

One might then want to claim that the dean has reached his “own independent judgment”—somewhat contradictory to his statement [5]. But the dean’s judgment is a judgment *not* based on the recommendations of the relevant committee (which is unanimously in favor), i.e., a judgment *in direct opposition to* the recommendations of the relevant committee, which seems to violate the requirement in AP20.0.

In addition, if one were to read anything into [5b] (even though “reading into” is not legitimate), one could, given the link (“and”) between [5a] and [5b], equally well if not more plausibly read into it: “[I *therefore*] **do not** [emphasis in original] recommend Dr. Holz for bar-crossing.” But [5a], what the “therefore” refers to, is, as explained above, an illegitimate exercise in reading something into a document that does not say anything to that effect. A statement [5b] that is solely build on something that is illegitimate, [5a], cannot be legitimate.

Given that the dean has violated the university academic review policies and procedures, I request that the Standing Committee for Academic Review Procedures disqualify the dean’s decision on my floating salary bar review.

Should the Standing Committee for Academic Review Procedures not agree with my conclusions, and should it wish to read into the dean’s report the particular choice of “[I] **do not** [emphasis in original] recommend Dr. Holz for bar-crossing” (something not stated in the dean’s report), and should it, furthermore, ignore the violations of university review policies and procedures contained in [4] and [5] and the incorrectness of [2], then (i) the question arises if the dean’s report constitutes an evaluation of my “teaching effectiveness, excellence in research and scholarship, and university, professional and public service.” Such an evaluation is required by the university guidelines and procedures for academic review, which list (and elaborate on) as “general criteria for academic review” teaching effectiveness, excellence in research and scholarship, and university, professional and public service (AP20.1, section 2), with no exemption provided for dean or VPAA. If the report does meet the requirements of the “general criteria for academic review,” then the academic review reports by division and school committees can in the future also be kept to one sentence.

Further, (ii), the VPAA, Yuk-shee Chan, then *read something into* at least three of the four reports he received (division committee, school committee, division head, dean) when he said “I agree with the assessment that Dr Holz’s overall achievement is not sufficient to cross the floating bar and concur with your recommendation that Dr Holz’s floating bar shall not be lifted.” The statement “assessment that Dr Holz’s overall achievement is not sufficient” is in direct contradiction with three of the four reports, all three of which explicitly favor my crossing the floating salary bar (as cited above). The VPAA may not even be in accordance with the dean’s report because the term “is not sufficient,” is not necessarily compatible with the dean’s phrase “school academic review committee does not appear to be particularly enthusiastic,” the only phrase in the dean’s evaluation that would appear relevant to the VPAA’s statement.

Enclosed: copies of all five reports regarding my floating salary bar review, by the:
SOSC division academic review committee
SOSC division head
HSS school academic review committee
HSS dean
VPAA