



20 November 2014

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To the
Chairman (or Acting Chairman)
HKUST Council
c/o Court, Council and Senate Secretariat
Room 6371-6, Main Academic Building
The Hong Kong University of Science & Technology
Clear Water Bay, Kowloon, Hong Kong

Grievance against Professor Tony Chan, President of HKUST

Dear Council Chair,

I herewith lodge a grievance against the President of HKUST, Tony F. Chan, in accordance with the HKUST Staff Grievance Procedures, Art. 36.

This grievance is about the President's violation of the HKUST Staff Grievance Procedures. In a letter dated 30 October 2014, the President dismissed my grievance against the EVPP/Provost and the Dean of Humanities and Social Sciences by stating that my grievance falls under the domain of academic systems review rather than within the scope of the Staff Grievance Procedures.

The HKUST Staff Grievance Procedures in Art. 3 state that "matters about which an appeal properly lies under separate University procedures ... shall not be resolved within these [grievance] procedures." To the best of my knowledge, separate University procedures covering the matter of my grievance against the EVPP/Provost and the Dean of Humanities and Social Sciences do *not* exist.

The President himself fails to specify the "separate University procedures" that my grievance may fall under. The President refers to "the domain of academic systems review"—not a "procedure" but a "theme"—and an "on-going discussion process"—not a "university procedure." I.e., the President's grounds on which he dismisses my grievance fail to meet the requirements listed in the HKUST Staff Grievance Procedures for doing so.

Aside: After diverting to an "on-going discussion process," the President proceeds to levy additional hurdles as a prerequisite to have the matters that are subject of my grievance be considered by the EVPP: "after you have shared and exchanged your viewpoints with Division Head, Dean, and the Division's merit review committee." -- I happen to have previously met all the President's hurdles and the matter of my grievance is unresolved. I was Chair of the Division's Merit Review Committee and have shared and exchanged my viewpoints on various matters of merit salary review with the committee members. I have also shared my viewpoints in writing with the Dean and Division Head; the Dean chose not to participate in an exchange. I have furthermore directly written to the EVPP

once, only to be ignored, and I have cc'ed to the EVPP on another occasion, again, only to be ignored. In conclusion, not only do the HKUST Staff Grievance Procedures not allow the President to dismiss my grievance on the grounds on which he dismissed it, but the "discussion process" that the President refers to has already been fully explored and proven to be non-existent.

Coming back to my grievance, I request that the President of HKUST, Tony F. Chan, be required to abide by the HKUST Staff Grievance Procedures.

If the President cannot specify the formal, written "separate University procedures" required by the HKUST Staff Grievance Procedures, then he cannot dismiss my grievance on grounds of they not falling within the scope of the Staff Grievance Procedures.

The HKUST Staff Grievance Procedures in Art. 2 state: "For the purpose of these procedures, "grievance" is defined to be an expression of feeling of injustice and unfairness *by* staff members *about* the treatment received from the management or other University staff members *which* adversely affects their general welfare at the workplace and/or their terms and conditions of employment at the University." This accurately describes my grievance against the EVPP/Provost and the Dean of Humanities and Social Sciences (denied by the President), and no separate University procedures are available to address my grievance.

This is the second time I am lodging a grievance against the President, for the same reason: the President violates the HKUST Staff Grievance Procedures and tries to prevent faculty members from having access to the HKUST Staff Grievance Procedures. In the previous case, the Council Chair wrote that he "would be much obliged if as suggested in the "Staff Grievance Procedures", the matter could be resolved between the parties informally. To this end, I understand that Prof. Chan will be initiating a meeting with Prof. Holz to see if this is possible. I await your response to this and hope that a satisfactory outcome could be achieved through this process." The President and I met and agreed on a resolution. The President's write-up of the meeting differed significantly from my memory of the meeting. We reached an agreement after two subsequent rounds of written communications. Until today, I have not heard of any implementation of the agreement. Therefore, in this current grievance against the President, I request that you reach a decision regarding my grievance against the President without any attempt at reconciliation between the President and me. Based on my previous experience, I decline any attempt at reconciliation.

I enclose my grievance of 23 October 2014 against the EVPP/Provost and the Dean of Humanities and Social Sciences, and the President's letter of 30 October 2014 dismissing my grievance.

The earlier sharing/exchanged viewpoints regarding merit salary review as well as my previous grievance against the President would appear too voluminous to add here. If you request, I will make them accessible to you.

Sincerely,





香港科技大學
THE HONG KONG
UNIVERSITY OF SCIENCE
AND TECHNOLOGY

校長辦公室
OFFICE OF THE PRESIDENT

30 October 2014

Prof Carsten A Holz
Professor
Division of Social Sciences
HKUST

Dear Prof Holz,

I refer to your email message dated 24 October 2014, attached with a letter dated 23 October 2014 of the same content, lodging a grievance “against the EVPP/Provost and the Dean of Humanities and Social Sciences for system design failures in the merit salary review system” under the Staff Grievance Procedures.

I note the merit review system issues that you have raised, and, after review, conclude that they are matters of academic policy which fall under the domain of academic systems review rather than within the scope of the Staff Grievance Procedures.

In this connection, the EVPP is leading an on-going discussion process with schools, departments and faculty on the merit review system. I have forwarded to EVPP the “system issues” in the merit salary review that you have raised. EVPP has agreed to take such issues into consideration in the ongoing review. You are also welcome to submit to EVPP any other observations or suggestions after you have shared and exchanged your viewpoints with Division Head, Dean, and the Division’s merit review committee.

Given the above, and in accordance with the Staff Grievance Procedures, I therefore dismiss your grievance against the EVPP/Provost and the Dean of Humanities and Social Sciences.

Yours sincerely,

Tony F Chan

President

c.c. Prof Wei Shyy (EVPP), Prof James Lee, Prof Kellee Tsai, Ms Yvonne Ho

Date: 23 October 2014
To: Tony Chan, President, HKUST
From: Carsten Holz, Professor, SOSC, HKUST

Dear President Chan,

I herewith lodge a grievance against the EVPP/Provost and the Dean of Humanities and Social Sciences for system design failures in the merit salary review system that lead to severe unfairness and promote the exercise of cronyism. The results grossly and adversely affect my welfare at the workplace and the terms and conditions of my employment at HKUST (the grounds for a grievance in accordance with the HKUST Grievance Procedures).

The issue is the evaluation of service as part of the annual merit salary review. The evaluation of my service as “good” (2 votes) and “satisfactory” (2 votes) in the SOSC division head’s review letter made apparent the system design failures. (I received the division head’s review letter on 25 September 2014 by forwarded mail, being currently on sabbatical leave at Harvard University.) This is not a grievance about the particular evaluation of my service—an evaluation which I think is grossly unfair—but a grievance about the system design failures upheld by provost and dean that cannot but lead to unfair outcomes. My own case illustrates the failures.

The HKUST performance evaluation guidelines (“Guidelines for Faculty Performance Assessment,” section “Defining Excellent Performance”) include a statement regarding “excellent performance in service” that states “All faculty are routinely expected to serve on departmental, school, and university committees...” There are two system design failures:

- (i) The SOSC Division Faculty Merit Review Committee (DFMRC), of which I was the Chair, was in no position to evaluate service: we did not know which faculty members are being remunerated by the division head or the dean for their service, either through monetary compensation or through a reduction in teaching load or through some other benefits.
- (ii) What kind of service one provides depends *not* on the faculty member but on the division head and the dean, and the evaluation of service per se therefore is an evaluation of the division head’s and the dean’s decisions. To give three examples:¹

- (1) The division head asked me to fulfill a certain set of services to the division and I complied in full.
- (2) Mervyn Cheung, HSS School Administrator, in fall 2013 asked me on behalf of the dean to serve on the University Appointments and Substantiation Committee (UASC) and I agreed. In a division meeting some months later when I mentioned that I am on the UASC, the two SOSC hires of the dean of HSS, to my great embarrassment, announced

¹ There are further examples and I am happy to elaborate if requested. I currently refrain from doing so because they are probably of less immediate relevance, and some would take longer to elaborate. (On balance, these further examples may have a neutral effect on the evaluation of my service.) This grievance is not about the evaluation of *my* service, but about system design failures that are *illustrated* by my case.

that no, I am not on the UASC, because they are. It turned out they were correct. I had been asked to serve on the UASC and agreed, but the dean later denied my providing that service. (When I brought it up with the dean, he appeared apologetic and blamed Mervyn.)

- (3) At a School Board meeting in fall 2013, I volunteered to be part of a committee on the new Arts Center (admittedly with great hesitation because of a potential conflict of interest, and only after the dean repeatedly looked in my direction). Subsequently, this committee, established by the School Board, was never convened.

In my personal case, by providing all service that division head and dean assigned to me (and volunteering for additional service), I have fulfilled the official requirement for “excellent performance.” “All faculty are routinely expected to serve on departmental, school, and university committees...” Every committee that I was asked to serve on, I served on in perfectly professional manner. I also have nothing to fear from an evaluation of my professional service outside the institution (which somehow gets lost, even in the official definition of what is excellent service).

I repeat that there are two system design failures:

- (i) An evaluation committee cannot evaluate faculty members’ service to HKUST if the committee is not being informed about which faculty members receive monetary compensation or a reduction in teaching load or some other benefit for some or all of their services.
- (ii) Faculty members cannot be held responsible for service allocation decisions made by division head and dean.

The outcome is perfect cronyism: the dean appoints his hires to a very great number of service and executive positions—apparent to the DFMRC. The DFMRC does not know the allocation of the dozens of favors the dean has available for distribution. Come merit review, the dean can easily justify salary increases for his hires by pointing to their superb service.

I conclude that I cannot be evaluated on “service” within HKUST, not by the DFMRC because it does not have sufficient information, and not by any administrator (division head, dean, or provost) because the service decisions are not made by me (but by the division head and dean).

I request that the two system design failures be resolved.

Sincerely,
Carsten Holz