

Suspicion of Unfairness in Sherley Case

I was heartened by MIT's Feb. 16 pledge to address "the effects that race may play in the hiring, advancement and experience of under-represented minority faculty", to "ensur[e] that our grievance processes are comprehensive, fair and timely", and to "continue to work toward resolution of our differences with Professor Sherley." Yet I remain troubled by MIT's subsequent repeated claims that the grievance process has worked perfectly well in Prof. Sherley's case.

In a 1994 faculty motion about MIT's ill-defined grievance procedures for faculty, Prof. Judith Thomson argued that MIT's ad hoc procedures are unlike "procedures of a kind that are in force in the other major universities across the country" and that " a faculty member should be entitled, as a matter of right, to present his or her complaint to an elected, standing, Faculty Grievance Committee.". Our grievance procedures still do not provide for elected members of the faculty as a standing committee with "institutional memory" that would allow "all like cases [to] be treated alike".

Per Prof. Thomson's unsuccessful motion: " the wheel that squeaks loud gets the grease. Faculty members with high status, or with friends with high status, squeak loud; faculty members without high status, and without friends with high status, make a barely audible squeak, and it is not for them that ad hoc mechanisms are established. Perhaps MIT's decisions about whether to establish ad hoc mechanisms are always made fairly, but it would be no surprise if a suspicion of unfairness remained. "

Lower-status faculty have included many female and minority colleagues. There's at least one case where the tenure evaluation was marred by sexism and where "friends with high status" (in this case, then-President Paul Gray) had to personally intervene and reverse a tenure denial (The Tech, Feb. 2, 1988). I myself know from my own tenure review that it does help to have "friends with high status" and with courage in order to reverse through ad hoc means an unfair tenure denial. In at least one other case, the previously-unsuccessful candidate – this time, a non-female and non-minority colleague – was awarded tenure in another Engineering unit, and is presently a "faculty member with high status."

A "suspicion of unfairness" may have reasonably arisen in Prof. Sherley's case as follows:

1- The previous Provost, who started handling Prof. Sherley's grievance in January 2005, had strong personal ties with the head of Biological Engineering (BE) and the latter's spouse, another BE faculty – both of whom are implicated in Sherley's complaint.

2- While the grievance was ongoing, the ad hoc grievance committee opened itself to a potential conflict of interest when its chair became Chair of the Faculty

as well. The latter is ex officio Chair of the Faculty Policy Committee, he appoints Chairs for the Committee on Graduate Programs and for the Committee on the Undergraduate Programs, he sits on the Committee on Campus Race Relations, and is ex officio member of the Faculty Newsletter Editorial Board.

3- Such choice of the grievance-committee chair as Chair of the Faculty was made by a Nominations Committee headed by a senior BE faculty. At that time, another senior BE faculty was already Associate Chair of the Faculty.

4- The Associate Chair of the Faculty co-signed, along with 19 other BE faculty, a 2/5/07 statement claiming that "race did not play any role" in Prof. Sherley's tenure review.

5- The Provost's Jan. 23, 2006 and Dec. 22, 2006 summaries of the grievance committee's reports contain factual inaccuracies and apparent contradictions. ("Plea for fairness at MIT", The Tech, Feb. 6, 2007.)

6- Confidentiality was breached by the Provost on 12/18/06, when he delivered his negative decision to Prof. Sherley in the presence of an observer who had not been previously involved in the grievance review, who was a stranger to Sherley and who was included in the meeting without prior consultation.

7- Since January 2007, the administration has publicly and repeatedly pronounced itself against Prof. Sherley's complaint, thus removing any neutrality on its part.

Any subset of facts 1-7 may well be divorced from any instance of actual unfairness. Yet, their cumulative effect warrants "a suspicion of unfairness" of the sort that the Thomson motion warned against.

The administration should admit that our grievance procedures may not be fair and should start working in truly good faith with Prof. Sherley toward a fair resolution of their differences. Such steps will contribute to increased fairness for all at MIT, including those who usually "make a barely audible squeak".

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