



Date: September 2, 2020  
To: Faculty Grievance Committee  
From: Eric Walkingshaw, Assistant Professor, School of EECS  
Subject: Grievance regarding the denial of my Promotion and Tenure case

I wish to initiate the formal Faculty Grievance Procedures outlined in OSU Policy #576-050-0025. My grievance concerns the outcome of my Promotion and Tenure case, and more specifically, how my case was handled at the College and University levels. I am bypassing the informal procedures and writing to you directly at the suggestion of outgoing Faculty Senate President Dwaine Plaza, incoming Faculty Senate President Selina Heppell, and Faculty Senate Executive Assistant Vickie Nunnemaker.

I received positive evaluations from all 6 external referees (5 strong recommendations) and from the School of EECS (24-5 vote in favor, with 3 abstaining) and a strong recommendation from my School Head. However, the College of Engineering P&T Committee voted against my case (3-4 against tenure and 2-5 against promotion) and Dean Scott Ashford subsequently recommended against my promotion and tenure. At the University level, Provost Ed Feser denied my promotion and tenure. The Provost's decision was upheld by former President Ed Ray on appeal.

The grounds for my grievance are briefly summarized as follows:

1. *Factual errors and misrepresentations in the College-level letters.* These letters represent my first negative evaluations at any level during my time at OSU and were the ultimate basis for the denial of my P&T case. Although I pointed out these errors and misrepresentations in both my rebuttal to the College-level evaluations and in my appeal to President Ray, they were never satisfactorily addressed.
2. *Procedural errors in the handling of my case at the University level.* In his negative decision, Provost Feser did not address the issues in the College-level evaluations raised by my rebuttal, nor did he provide a rationale for the denial of my case, which is required by OSU policy. President Ray did respond to these issues when I raised them again on appeal, but I believe his response does not reflect a thorough and good-faith consideration of my case.
3. *Potential bias introduced by my role in the formation of our faculty union,* United Academics of Oregon State University (UAOSU). I have been an organizer for UAOSU since May 2016. For much of this time, I was highly visible as the sole organizer in the College of Engineering.

In the rest of this letter I will expand on and provide evidence for each of these aspects of my grievance.

### **Factual errors and misrepresentations in the College-level letters.**

Despite recommending against my case, the letters from the College P&T Committee and Dean Ashford recognize my "excellent" teaching, "extensive" internal service, "outstanding" external service, and "significant contributions" to diversity, equity, and inclusion. These aspects of my record are also highlighted by my School-level letters, which strongly recommend me for promotion and tenure.

However, the College-level evaluations express three concerns about my research program that led to recommending against my case. I summarize their concerns as:

1. Doubts about whether I have sufficiently established my independence from my former PhD advisor, Martin Erwig, who is a faculty member at OSU.
2. Concerns about aspects of my publication record, especially a relatively small number of journal articles and papers co-authored by my students.
3. Concerns about my external funding record, which includes one large research grant and one small workshop grant.

In my rebuttal sent to Provost Feser, I pointed out factual errors, misrepresentations, and mitigating factors in the College-level letters that, once taken into account, directly refute the first of these concerns and substantially mitigate the second two concerns. I restate these points below.

The concern that I have not established my independence from my former advisor, Dr. Erwig, is based on an erroneous presentation of the facts.

I earned my PhD from OSU in June 2013 and joined OSU's faculty in September 2014 after a one-year postdoctoral position in Marburg, Germany. When I returned to OSU, I was encouraged by senior faculty to make a special effort to assert my independence from Dr. Erwig, despite being assured during the hiring process that I would be evaluated identically to other junior faculty.

As a demonstration of my research independence, I have mostly *refrained* from collaborating with Dr. Erwig since re-joining OSU. At the time of evaluation, I had 14 publications as a faculty member: 2 journal articles, 7 archival conference papers, and 5 workshop papers. Of these, *Dr. Erwig was a co-author on only 2 papers*, both involving external collaborations that began before I was a faculty member. Since the time of evaluation, I have 2 more publications, 1 archival conference paper and 1 workshop paper; neither include Dr. Erwig as a co-author.

In total, since joining the OSU faculty, *only 2 of my 16 publications include Dr. Erwig as a co-author*. Additionally, Dr. Erwig is not a Co-PI on either of my funded grant proposals.

The letters by the College P&T Committee and Dean Ashford erroneously cast doubt on my independence as a researcher by comparing the total number of papers I have published with Dr. Erwig against the total number of papers I have published overall. That is, they *include my publications as a graduate student*, when all of my publications naturally included Dr. Erwig as a co-author. The letters use incorrect data to support a false narrative about the independence of my research program.

The other concerns about my publication record are similarly grounded in a misrepresentation of the facts and my research field. In my field, like many in computer science, peer-reviewed archival conference proceedings are considered top venues and are as competitive and prestigious as articles in reputable journals. Regarding my small number of journal articles (6 total, 2 since re-joining OSU), the College P&T Committee's letter acknowledges that "the overall quantity and prioritization on conference proceedings is typical for a researcher in his area", but then goes on to criticize my lack of journal articles, "since 2014 he has published only 2 journal articles."

The College-level evaluations also noted that I have co-authored relatively few papers with my students (3 conference papers and 3 workshop papers at the time of evaluation, 1 more conference paper since the evaluation). However, again both the letters by the Committee and the Dean compare these numbers against my total number of publications (e.g. "only 3 out of 21 conference papers") rather than against my publications as a faculty member, which significantly misrepresents the facts to support the claim.

Since joining the OSU faculty, 7 of my 16 publications (0 of 2 journal articles, 4 of 8 archival conference papers, and 3 of 5 workshop papers) are first-authored by my graduate students. Additionally, 1 more

workshop paper was first-authored by a student that I did not directly advise, but for whom I was the sole faculty co-author and primary mentor for the purposes of the paper. Thus, in total, *half of my publications as a faculty member (8 of 16) have been first-authored by students I either advised or mentored.*

In my statement and my rebuttal to the College-level letters, I also highlighted that I have focused heavily on recruiting non-traditional students, which comes with unique challenges. Of the 11 graduate students I have advised, only *one* was a traditional CS student that I recruited through our graduate student applicant pool. The goal of my non-traditional recruiting has been to find strong students that others have overlooked. I believe this strategy recruits stronger students overall, and it also advances the University's mission with respect to diversity, equity, and inclusion (note that 6 of my 10 non-traditional recruits are women). The quality of students I've recruited and my success advising them is reflected in their post-graduation positions; my MS graduates are consistently hired at companies with highly competitive hiring processes. However, this strategy, combined with the nature of my area (a more theoretical branch of computer science that inherently has longer start-up times than applied branches), means that most students are finishing their MS right around the time they're ready to start writing papers.

As a final note on my publication record, the external reviewers, who are experts in my research area, noted the depth and impact of my work. This was emphasized in my School-level letters, but not mentioned in the College-level letters.

The final concern regarded my external funding. Both the College P&T Committee and Dean Ashford note that my most recent large research grant was funded in 2015, implying that my research program has been unsupported by external funding. However, my large research grant was significantly larger (4+ years, \$1.6M total to OSU, \$885K my share) than, for example, a typical NSF Small award, and it therefore *continually supported my research from 2015 to February 2020, through the evaluation period.*

The College P&T Committee letter expresses concern that I did not confront the issue of a more recent large research grant head-on in my dossier. However, at the time that I submitted the dossier, I had three proposals under review and good reason to expect at least one of them would be funded. One proposal was another large project proposed to a similar program, with a similar team to my first funded grant, which received positive feedback in the pre-proposal stage. Another was a revision of my NSF CAREER proposal, which in the previous year had received strong reviews and was a very late-stage rejection.

Finally, the letter from Dean Ashford describes the outcomes of my previous evaluations as "split votes from the college and unit committees." However, this is a mischaracterization of the actual result at the School level, which was 24-5 in favor with 3 abstaining. In a similar case from another EECS candidate up for promotion and tenure this cycle, Dean Ashford characterized a 27-4 vote as "strongly in favor."

### **Procedural errors in the handling of my case at the University level.**

According to the "Procedural Guidelines for Promotion and Tenure" section of the Faculty Handbook<sup>1</sup> under the sub-heading "Decisions and Appeals", the Handbook states that "In the case of a negative decision, the basis for the denial will be stated." However, the letter I received from Provost Feser informing me of the negative decision provides only the following rationale:

*The decision was reached after a careful review of your dossier at several levels of the University, and informed by external reviewers. The evidence does not support that your achievements are sufficient to meet the expectations for promotion and tenure.*

This rationale does not contain any information specific to my case, nor does it engage at all with the points in my rebuttal.

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1 <https://facultyaffairs.oregonstate.edu/faculty-handbook/promotion-and-tenure-guidelines>

Considering I received positive recommendations from external reviewers and strong recommendations at the School level, and that the College-level evaluations contained factual errors and misrepresentations described in my rebuttal, I do not believe that the provided rationale for the denial of my P&T case reflects the outcome of a thorough and fair consideration of my case by the University Administrative P&T Committee, nor does it satisfy the requirements of the process described in the Faculty Handbook.

In my appeal to former President Ray, I focused on the three most concrete factual issues in the College-level evaluations:

1. The use of my complete publication history to support the false claim that I have not established my independence from my former advisor.
2. The use of my complete publication history to exaggerate the concern about publishing with my graduate students.
3. The highly divergent characterizations by Dean Ashford of the School-level votes compared to a colleague up for promotion and tenure in the same cycle (“split vote” vs. “strongly in favor”).

Although President Ray’s response is dated June 30, his last day as President, I did not receive the response until July 7 after multiple inquiries to his office.

President Ray’s letter does respond to each of the three points that I raised, but does so in a way that does not reflect a serious engagement with the underlying problems, and more importantly, reveals serious issues in the evaluation by Provost Feser and the University Administrative P&T Committee.

In response to the first two issues, President Ray responded with the following two paragraphs:

*This is not a factual error as it is correct that 5 of your 6 total journal publications include your former advisor as a co-author. More importantly, the Provost’s decision did not rest on the level of independence from your former advisor, but rather on the lack of sufficient research, scholarship and grant activity.*

*This is not a factual error as it is correct that only 3 of your 21 total conference papers include one of your students as a co-author. More importantly, the Provost decision did not rest on the number of conference papers you co-authored with your students, but rather on the lack of sufficient research, scholarship and grant activity.*

These responses do not reflect a good-faith consideration of the core issue, which is that my complete publication history is the wrong data to use to support these claims. In particular, the claim that I have not established my independence from my former advisor is clearly false when the correct data is used.

More importantly, however, President Ray states in both of these responses that these concerns were not a factor in the final decision, but rather the “lack of sufficient research, scholarship and grant activity” was the basis for the Provost’s decision. This is highly concerning because the *lack of sufficient research and scholarship were not concerns raised at any point during my evaluation*. The concerns about my publication record raised in the College-level evaluations were specifically about my independence from my former advisor and publishing with my graduate students, and these were clearly major factors in their negative recommendations. If these concerns are not founded, then *there is no corresponding concern about my publication record*, which was deemed sufficient for strong recommendations from those closest to my field.

Besides not reflecting a good-faith consideration of my appeal, President Ray’s response reflects a potentially serious procedural error in the handling of my case at the University level. This concern is exacerbated by the lack of rationale provided in Provost Feser’s negative decision.

### **Potential bias introduced by my role in the formation of our faculty union.**

I have been an organizer for our new faculty union since May 2016, before UAOSU's formation. My role in this capacity involved knocking on office doors throughout the College, asking about problems people face, brainstorming solutions, and gauging support for a faculty union. For much of this time, I was the only organizer in the College of Engineering, and so was highly visible in this role.

I am concerned that my highly visible and central role in the formation of our faculty union, which the University administration opposed, may have biased Provost Feser and the University Administrative P&T Committee's consideration of my case. This concern is exacerbated by the procedural issues in the University-level evaluation, described above.

A lesser but more concrete issue is that my organizing effort was the topic of inappropriate discussion during the School of EECS unit-level P&T discussions, and these discussions may have influenced my first negative evaluations at the College level via the handful of negative votes I received.

On June 3, EECS Associate School Head Glencora Borradaile wrote a letter to President Ray notifying him that inappropriate discussion occurred and describing its potential influence on my P&T case. Dr. Borradaile wrote that one of the only issues raised during the discussion of my case was:

*that Eric has been openly involved in the formation and building of the faculty union, UAOSU. This was brought up in a negative light by a full professor who has been vocally opposed to UAOSU. [...] In the end, no defensible concerns were noted, and yet 5 voted against promotion and tenure (24 voted for).*

Dr. Borradaile further pointed out that the EECS P&T process does not provide an opportunity to discuss, explain, and potentially mitigate the reasons behind negative votes.

Although I received a strong recommendation from the EECS P&T Committee, the 5 negative votes are mentioned twice in Dean Ashford's letter, once when characterizing the outcome of the voting as "mixed, but favors" promotion and tenure, and once when characterizing the outcome of the voting as "split." Since Dean Ashford characterizes a similar 27-4 vote from within EECS as "strongly in favor", it seems likely that despite the strong recommendation at the School level, these negative votes (following a discussion in which one of the only issues raised was my union activity) were a factor in the decision.

Most importantly, although Dr. Borradaile notified President Ray about this issue on June 3, President Ray did not reply and took no visible action in response.

### **Summary and request.**

To briefly summarize the contents of this grievance:

1. I was strongly recommended for promotion and tenure by the School of EECS P&T Committee after a 24-5 vote with 3 abstaining. I was also recommended by all external reviewers (strongly by 5 of 6), and strongly recommended by the EECS School Head.
2. The College P&T Committee voted 3-4 against tenure and 2-5 against promotion. Although they acknowledged the high level of my teaching, internal and external service, and contributions to diversity, equity, and inclusion, they raised three specific concerns about my research program. One of these concerns, the independence of my research program, is based on a clearly erroneous interpretation of the evidence. The presentation of the other two concerns also contain factual errors and misrepresentations that mitigate their significance in evaluating my research program. No concerns were raised about the general quality of my research or publications.

3. Dean Ashford subsequently recommended against my promotion and tenure, citing the concerns raised by the Committee and mischaracterizing my level of support within the School of EECS.
4. After an evaluation by the University Administrative P&T Committee, Provost Feser decided against my case, providing no response to the factual issues raised in my rebuttal to the College-level evaluations and no rationale for the decision.
5. President Ray denied my appeal with a response that does not reflect a serious consideration of the factual issues in the College-level evaluations, and revealing that the rationale for Provost Feser's decision did not include 2 of the 3 specific concerns raised by the College P&T Committee, but rather, a broad "lack of sufficient research [and] scholarship", which were not issues raised in either the School- or College-level evaluations.
6. My highly visible union activity is a potential source of bias in my case, particularly at the University level. Inappropriate discussion of my union activity occurred at the School level and may have influenced the 5 unexplained negative votes I received, which were mentioned twice in Dean Ashford's negative recommendation. Our Associate School Head notified President Ray about this issue, but no visible action was taken.

Given the grievances outlined above, I respectfully request a hearing from the Faculty Grievance Committee. Although this process has been discouraging and frustrating, my ultimate goal is still to obtain promotion and tenure at Oregon State University. I have been strongly supported by senior faculty within the School of EECS in pursuing this grievance, and from my colleagues within UAOSU.

Sincerely,



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School of EECS