



UNC CHARLOTTE

**Classroom Control, Disruptive Students,
Disruptive Colleagues:
*Is Truth Stranger Than Fiction?***

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Office of Legal Affairs



Scenario #1

Classroom Control

- Non-tenured instructor of ASL
- “Voices off” policy
- Students disruptive, talked inappropriately
- Pakistan experience taught instructor to respect others





Scenario #1

- Instructor shared story about needing to show respect, and explained that a lack of respect can be dangerous in some cultures
- Students continued to talk inappropriately
- *“Do I hear voices? Why are you talking to each other? Do you want me to take out a gun and shoot in the head?”*





Questions

1. Why was instructor suspended?
2. Exercise of free speech rights?
3. Was the expression a matter of public concern?
4. Other discipline more appropriate?





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Court's Conclusions

- Statement referencing the possibility of using a gun to shoot the disruptive students “simply crossed the line”
- Nothing about the statement invoked First Amendment protections





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Resources & Services

- Chair, Associate Dean, or Dean
- EAP Referral
- Faculty Ombuds Office
- Associate Provost for Academic Personnel
- Associate VC for Human Resources





Scenario #1

“Do you want me to take out a gun and shoot you in the head?”

- True
- False





Disruptive Student

- International Program Office (IPO) has sponsored exchange programs in more than 30 countries since 1969
- Program in Taiwan since 1977 at Soochow University with >200 students annually





Scenario #2

- Student, Ms. Alcalde, brought teenage daughter and 5 year old son to Taiwan
- Extension of high line of credit authorized to student based on her unique circumstances
- Warned it would be difficult to have a successful student abroad experience





Scenario #2

- IPO had a liberal policy of extending credit equal to actual exchange program costs
- Institutional mission to provide all interested students a study abroad experience
- Only loan security required was proof of employment upon return to U.S.





Scenario #2

- Ms. Alcalde provided the following:

This letter confirms Ms. Alcalde will be employed as of May 15th at the Pine Hill Bed and Breakfast in Mountaintop, NC. Should you have any further questions regarding her employment, please call

Sincerely, Kathryn Butterfly





Scenario #2

- Later on her credibility was questioned
- Discovered that she didn't merely work at the B&B, rather that she owned it!
- She reported a 3.5 GPA; actual 1.95 GPA
- Director asserted that, if truthful, she would not have been eligible for the exchange program, nor the line of credit





Scenario #2

- Ms. Alcalde was a high need, disruptive international program participant
- Other students described her as “a difficult person to travel and coexist with”
- She demanded assistance transporting her family’s excessive luggage
- She nagged others for babysitting help





Scenario #2

- Complained incessantly about dorm and classroom facilities at Soochow University as being “inadequate and dirty”
- Had negative impact on other students
- She offended many Taiwanese hosts
- Ms. Alcalde returned home one week early, before taking her final course exams





Scenario #2

- Director again accommodated Ms. Alcalde by obtaining and providing her exams, and returning to Taiwanese instructors to grade
- *No good deed goes unpunished* -- Ms. Alcalde refused to repay her line of credit because she didn't get her "money's worth"





Scenario #2

- Account returned to IPO as “uncollectible due to lack of assets”
- Program officials later learned that Ms. Alcalde had run for town mayor and her pre-election preview stated:

My education has centered around history and world politics. I attended and graduated from UNC-M and Soochow University in Taiwan.





Questions

- What more could university do?
- What is ethical in this situation?
- Cost versus the benefit of action?
- Other lessons?





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Resources & Services

In the future, bring all the players together and plan early!

- Offices of Business Affairs & Legal Affairs
- International Program Director & Staff
- Faculty Program Leaders
- Host Institution Administrators
- Third-Party Service Providers





Scenario #2

“I didn’t get my money’s worth.”

True

False





Disruptive Colleague

- Tenured professor fired for “incompetence of service”
- Three consecutive post-tenure reviews found him “not meeting expectations”
- Evidenced by his lack of collegiality





Scenario #3

- Professor sued the university alleging violation of due process rights and that no substantial evidence supported discharge
- Court ruled that discharge for “incompetence” was permitted by State law





Scenario #3

- Court found professor's incompetence was evidenced by his *“interactions with colleagues [that] had been so disruptive that the effective and efficient operation of his department was impaired.”*
- Collegiality is a part of post-tenure review





Scenario #3

- College of Engineering regulations states that “each faculty member is expected to work in a collegial manner”
- Record contained evidence that professor was disruptive to the point that his department’s normal function was impaired





Questions

1. Do you believe a professor's lack of collegiality and disruptive behavior are evidence of his incompetent service?
2. Did the university have sufficient grounds to terminate the professor in this case?





- Concepts emerging that appear central to the idea of collegiality:
 - Civility and respect for others, particularly those with whom one may disagree
 - Ability to work well with colleagues
 - Willingness to share in the institutional obligations of faculty (e.g., curricula development, conduct evaluations and reviews)





References

- AAUP contends that collegiality, in the sense of collaboration and constructive cooperation, identifies important aspects of a faculty member's overall performance.
- AAUP views collegiality to be important as it is a part of the three primary factors in evaluation for tenure—teaching, research and service.





Questions

1. Do you believe that a well-defined and consistently applied standard of collegiality is a necessary element of the tenure process?
2. Do you believe that the concepts of collegiality and civility could mask discrimination?





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Resources & Services

- Dean and/or Associate Dean
- Faculty Council
- Office of Legal Affairs
- Assistant Provost/Academic Personnel
- Faculty Ombuds Office





Scenario #3

A North Carolina Court found collegiality to be an appropriate evaluation criterion for tenured faculty.

True

False





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Yes, Truth Can Be Stranger Than fiction

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