

June 24, 2015

Complainant:

James M. Pearce  


Dear Sir or Madam:

I am filing this document as a formal complaint against North Carolina Central University. In it, I claim that the University has discriminated against me on the basis of gender and that it has retaliated against me.

### **I. Synopsis of the Complaint**

I have worked for North Carolina Central University from July 1, 2008 to June 31, 2010 as a Department Chair and continue to be employed by that institution as the Director of Graduate Studies in English after having been removed from the position of Department Chair by the creation of new University policy and the application of incorrect tenure policies and procedures (Exhibit #8). I filed EEOC Case #433-2010-02535, a discrimination complaint which allowed me to gain tenure and EEOC Case #433-2010-02535, a retaliation complaint but never exercised my right to sue. I applied for the position of department Chair in December 2014 and was informed that I was not selected for the position on April 27, 2015 and that Dr. Wendy Rountree had been selected. I am aware that I am better qualified for the position and have more experience than Dr. Rountree. I also vigorously complained about how the search was going to be conducted before the process began.

### **II. Analysis of the claim of Discrimination**

1. Dr. Rountree was invited to apply for the position of department chair by Dean Carlton Wilson. The conveners of searches are not permitted to engage in any activities that are not transparent. Dean Wilson's actions are an example of disparate treatment which, in the context of a job search, is prima facie evidence of bias. This bias, moreover, has eventuated in her being chosen over much more qualified applicants.
2. Dr. Rountree has very little administrative experience. Other candidates in the search have years of successful administrative experience documented by both practical accomplishment and multiple performance evaluations. Other candidates have received explicit training in administering a department. No fair and objective evaluator would have picked her from this applicant pool.

3. The methodology of the search, as mandated by the Dean of the College of Arts and Sciences, Carlton Wilson, is not consistent with the procedures outlined in the NCCU EPA Hiring Process and the Posting Guide. The EPA Hiring Process specifically directs the convener of a search to use “job-related criteria for the review and evaluation of all resumés and other requested materials,” and to measure “the professional and personal characteristics of the candidate, **qualitatively and quantitatively**” (Certification of Recruitment and Selection, Note 4.B.). The Posting Guide discusses “disqualifying responses” (13), “ranking criteria” (14) and the assignment of “points” or “weight” to such criteria: “Ranking criteria allow interviewers to provide subjective assessments of applicants on specific items in the workflow or recruitment process” (17). The methodology used by the Dean because it lacked a specific protocol for ranking candidates in relation to their qualifications for the position was not susceptible of being certified as compliant with federal statute. The search committee’s function is to screen, rank, and recommend. The Dean does not choose the successful candidate; he simply forwards the credentials and hiring recommendation to the Chancellor through the Provost. The evidence suggests that the Dean selected the successful candidate when he solicited her application. **This is a non-compliant search.** The Dean has an EEOC complaint, #433-2015-00693, currently under investigation for the Department Chair search he conducted in the department of Mass Communication.

### III. Evidence

Items 1-2: Exhibit #1 was written to Provost Akinleye by Dr. Michele Ware, the current chair of the department, and documents the issue of the Dean’s personal animosity towards me, writing “I am afraid the best person for the job of chair of the Department of Language and Literature will be denied a fair appraisal of his application.” The exhibit also ranks the candidates in the search from the perspective of the current department chair in the following order highest to lowest: Pearce, Cook, Rountree, Becker. It makes explicit the fact that the incoming Chair “has very limited experience in administration, and what experience she has was of short duration and ended badly.” She continues, “it was obvious from her presentation that she is relatively disconnected from and lacks an understanding of the day-to-day workings of the department.” It echoes the perspective of Interim Dean, Dr. Mary Mathew, who was the Committee Chair of the first internal search for chair that Dr. Rountree participated in 2010:

**“Wendy Rountree:**

Wendy is a junior faculty member with a strong record of scholarship, teaching, and service. Her responses at the interview revealed eagerness and intuition, but they were overly general and did not indicate sufficient grasp of departmental procedures or programs. This was particularly true regarding her views on Mass Communication, which is a vital part of the department and has important plans for growth. **An intermediate leadership role, such as coordinator of one of the programs, is needed to hone Wendy’s leadership skills and give her the maturity and experience that are crucial for effectiveness before she can possibly become the department**

**chair in a few years.** At this point, however, the Committee felt that a department with 60+ faculty members and a huge programmatic load needed the sure hands of a more experienced leader, rather than a novice manager trying the ropes for the first time.” (Exhibit #2)

Dr. Rountree, however, has not had the type of “intermediate leadership role” suggested in Dr. Mathew’s analysis. The job description for the position of department Chair reads, “Candidates must have a demonstrated record of leadership experience in promoting excellence in teaching, research, service, curriculum development, program review and assessment, student and faculty administration, securing external funding and grantsmanship, and fiscal management” (Exhibit #6). As her academic vita amply attests, Dr. Rountree simply does not have “demonstrated record of leadership experience” (Exhibit #3).

If we apply criteria such as those used in the EPA Hiring Process, “1. Education and training, 2. Experience, 3; Skills, 4; Potential for growth and achievement, 5; Initiative, 6; Self-reliance [and] 7. Capacity for cooperation” and weight them, as is typical in an orthodox search, Dr. Rountree is even more deficient. A graduate of a third-tier school, Dr. Rountree, in terms of her education and training, falls short of the other candidates in the search who are graduates of Colombia, University of Southern California, and Stanford. Historically, department Chairs in this unit have come from highly ranked, first-tier schools; in the past 14 years these include Duke, Stanford, and Chapel Hill. Although we suspected that the Dean had invited Dr. Rountree to apply and were virtually certain that he would select her, this suspicion was confirmed by Dr. Ware who verified this from the incoming Chair’s own admission.

Contrast her administrative credentials, education, and training with my own:

#### EDUCATION:

Stanford University, Department of English, Ph.D., 1979

Stanford University, Department of English, M.A., 1978

Stanford University, Bachelor of Arts degree in English, 1973

University of California at Berkeley, Department of History (I earned an M.A. but they do not confer a second Master’s degree.) 1981

#### PROFESSIONAL DEVELOPMENT:

Workshop for Directors of Graduate Study, Association of Departments of English, 2011.

Workshop for Directors of Graduate Study, Association of Departments of English, 2010.

Workshop for Department Chairs, Association of Departments of English, 2009.

Process Education Teaching Institute, North Carolina Central University, 2008.

Workshop for Department Chairs, Association of Departments of English, 2008.

Managing Corporate Educational Programs, Deltek (Now Deltek University), 1981.

ADMINISTRATIVE EXPERIENCE:

Director, Graduate Studies in English.

Department Chairperson, English and Mass Communication.

Interim Director of Convocations, Meredith College.

Coordinator of the Humanities Honors Program, San Jose State University.

Director of the Undergraduate Shakespeare Program, The Ohio State University.

Director of Graduate Teaching Assistants, The Ohio State University.

Special Assistant to the President, Independent Power Corporation.

Director of Marketing and Corporate Education, Remote Computing Corporation.

Director of Special Projects and Site Supervisor, Committee on the Shelterless (COTS).

Aquatics Director, City of Menlo Park.

Pool Manager, City of Pasadena. (Exhibit#4)

Exhibits #5-7 are performance evaluations and demonstrate both "a demonstrated record of leadership experience" and outstanding performance as a leader. My supervisor, Interim Dean Mathew, concludes her first evaluation with **"It is my distinct pleasure to note that Dr. James Pearce has done an outstanding job with his management of the Department of English and Mass Communication."**

Exhibit #8, mentioned above, summarizes the reasons for which and methods by which I was removed from my position. It is a case study in the abuse of power, the refusal of senior administrators to adhere to University policy, and the fate of administrators who do not subscribe to NCCU's race based ideologies. The University routinely retaliates against faculty who refuse to comply with instructions which are unethical or illegal.

Dr. Wendy Rountree was not chosen as department Chair because she was the most qualified applicant for the position. She was chosen because she was the only candidate whose racial ideologies were compatible with the Dean's, but those are not the requirements of the job. This search does not comply with federal statute.

Item 3: According to a resolution passed by the Faculty Senate and signed by the Chancellor in 1993, the departments have the right to choose their own chairs. This, then, is both policy and long-standing practice. In every search prior to this one, the administration has respected the principle of faculty governance, but it is clear from the foregoing, specifically Exhibit #1, that Dr. Rountree would not have been chosen if the department had voted on the matter. When the Dean's instructions to the search committee were publically announced, there was so much resistance to his

“innovative” approach to finding a new chair that the provost had to come and address the department as the following e-mail documents:

“Dear Friends,

As I told you today in our faculty meeting, Provost Akinleye wants to meet with the entire department faculty on Friday, December 12<sup>th</sup>, at 2:00 in room 347 to discuss concerns expressed to him about the search for department chair. I do hope you will be able to join us for this important exercise in faculty governance. Please put this on your calendars. Thank you!

Michele

Michele S. Ware, Ph.D.  
Chair, Department of Language and Literature  
North Carolina Central University”

Unfortunately, the provost did more talking than listening and never, according to several members of the search committee, addressed the department’s central concerns. Exhibit #13 documents what a compliant search does; it evaluates “the professional and personal characteristics of the candidate, **qualitatively and quantitatively.**” It employs “ranking criteria” and assigns “points” or “weights” to such criteria because ranking criteria allow interviewers to provide subjective assessments of applicants” and these assessments can then be “added up to arrive at the collective Committee score on each candidate. The collective score on each candidate in this manner is given ... in hierarchical order” (Exhibit #9). **The reason the Dean avoided such a protocol is that he intended to and did select the new chair of the department in a move that can only be described as collusive.** This should surprise no one because Dean Wilson was chosen in search that was even more flawed than this one.

Exhibit #9 also reinforces what I argued in the previous section. I was chosen in a national search, competing with faculty who were in some cases already chairs, and I emerged as the number one candidate both in terms of my credentials and my performance at the department job talk. I have since that time had seven years of successful administrative experience. Dr. Rountree is clearly less qualified than I am.

Item 4: **(Retaliation)** I have witnessed racial bias in hiring practices, curricular decisions, and program staffing, but in this section, I will confine my remarks to hiring practices. I did not support Dr. Carlton Wilson’s application to become Dean of the College of Liberal Arts for several reasons. My most important reservation was that he did not possess one of the minimum qualifications to be a candidate in this search which was “credentials commensurate with a tenured appointment at the rank of full professor.” He was an associate professor. I supported the White candidate, Interim Dean Mathew, whose scholarly credentials were superior to his and who had been running the College effectively for several years. Dr. Wilson also presided over the least diverse department in the College of Liberal Arts, and it was clear from his presentation to the faculty that he favored “diversity of ideas”—whatever that means—rather than diversity among our professoriate or student body. A list of the graduate faculty of the History department illustrates my point; of the eight members listed, seven attended HBCUs, the

majority having received more than one degree from an HBCU. Such a pattern cannot happen by accident, that is, it cannot be the result of clean searches; it displays the “statistical evidence of disproportional representation strong enough to raise an inference of discriminatory intent” under federal statute.

More important, the search that brought Dr. Wilson into the Dean’s position was so irregular that the Director of EEO/AA resigned from the University in the middle of the process and a faculty member who had begun teaching at Central in 1969 resigned from the search committee near the end. He observed, **“the search, I believe, has been tainted by undue influence from the Provost that has made it impossible to treat all the candidates equitably. Under such conditions, I do not think I can ethically continue my participation in the search.”** Realizing that nothing was going to be done on our campus about the search, Chairperson Ware appealed to Alan Mabe at General Administration; she wrote, **“I have worked at North Carolina Central University for almost twelve years, and it pains me to ask UNC General Administration to step in and address matters of equity and fairness. We are asked to follow the rules, to conduct our business in a transparent manner, and to be accountable for all our actions. When our senior administrators fail to do this, it reflects badly on the university and damages our reputation.”** The administrators at General Administration, however, mistakenly trusted the Chancellor’s probity. He was eventually forced into retirement by allegations of serious misconduct, a fitting conclusion to the career of an administrator who permitted widespread corruption in his administration. Dr. Carlton Wilson, was chosen by Chancellor Nelms rather than the search committee in consultation with their broader constituency. He was himself invited to apply for the job and received the job even though he lacked the minimum requirements for appointment as a dean. It should come as no surprise that he is reproducing the practices that brought him into power.

There are long-standing reasons that Dr. Carlton Wilson would wish to retaliate against me but they can be summarized by the observation that I do not believe in making hiring decisions based on the race of the candidate and he does. I have steadfastly opposed the systemic racism that permeates the culture of North Carolina Central University. Within the last six months, however, I have strenuously opposed the way in which the search was being conducted, culminating in a formal request to Linc Butler, Chief Human Resources Officer to have the search vacated.

I appealed to the Chancellor to intervene in the process:

**“I ask for your intervention because the personal animosity of Dean Wilson is so great that, although I am clearly the most qualified person for this position, having competed for the position in a national search rather than an internal search, and having performed at a very high level as my evaluations from my supervisor attest, I am unlikely to be selected by a search committee of Dean Wilson’s devising.”** (November 10, 2014)

I also appealed to the Provost:

**“I am writing to protest the composition of the search committee for the department Chairperson of the department of Language and Literature. The composition of the committee reflects Dean Wilson’s transparent intention to influence the direction of the search, to ensure, in fact, that Dr. Wendy Rountree is selected as the new chair. I request that you suspend the search until you have**

had time to investigate allegations that I am making in this document. You are, among other duties, charged with ensuring that searches comply with EEOC statute, and I appeal to you to make this a fair search." (November 11, 2014)

And to the Director of EEO/AA:

"Dean Wilson has mandated that the committee not rank candidates in a transparent attempt to hijack the search, and to impose Dr. Wendy Rountree on a department that did not select her in the earlier search documented in Exhibit #3." (December 7, 2014)

To these "formal" appeals I have not yet received a single response even though I appealed directly to our EEO/AA unit, whose "principal objective... is the discovery, termination, and prompt remedy of formal or informal policy or practice that discriminates against individuals or groups of individuals."

**The refusal to respond to these appeals may itself be construed as retaliatory, but the selection of a candidate who does not meet the minimum qualifications for the position reeks of administrative animus.**

Sincerely,



Jim Pearce

**Witnesses:**

Dr. Matthew Cook, Professor of English, (Applicant) (203) 260-1705

Dr. Rachele Gold, Director of English Education, (919) 428-0196

Dr. Mary Mathew, former Dean of the College of Liberal Arts (My former supervisor), (919) 493-1776

Dr. Michele Ware, Chair of the Department of Language and Literature, (919) 933-5966