

## M. K. Stephen Yeung

### Home Address

1703 E 1030 N  
Logan, UT 84341  
Phone: (435) 753-0345

### Office Address

Please address all correspondence to  
home address.  
Phone: (435) 797-2821  
Email: yeung@cc.usu.edu

### Education

Ph.D., Theoretical & Applied Mechanics, Cornell University (1999). Thesis Advisor: Steven Strogatz. Thesis Title: Time Delay in the Kuramoto Model of Coupled Phase Oscillators. Minors in Mathematics and Applied Mathematics.

B. Sc. First Class Honours, Physics, Chinese University of Hong Kong (1994). Minor in Mathematics.

### Employment

Jul. 2003 – present: Assistant Professor, Dept. of Mathematics & Statistics, Utah State University.

Jun. 1999 – Jun. 2003: Research Associate, Dept. of Biomedical Engineering and Center for BioDynamics, Boston University.

May – Aug. 1994: Research Assistant, Dept. of Physics, Chinese University of Hong Kong.

### Research Interests

Dynamical systems and network structures, and their applications in physics, engineering, and biology  
Applied probability and game theory, and their applications in social sciences.

### Research Projects

#### Applied probability and game theory

- Characterized an anomaly in the probability distribution governing the sum of random variables
- Constructed a non-traditional game without an equilibrium point.
- Studied their implications in sports and elections.

#### Reverse engineering gene networks

- Developed efficient algorithms to reconstruct gene networks from microarray data.
- Reduced sampling complexity to  $O(\log N)$ .
- Reduced computational complexity to  $O(N^4)$ .

#### Delta-sigma data converters

- Developed robust high-bandwidth noise-shaping A/D and D/A data converters in digital audio and multimedia systems.
- Reduced complexity from  $O(N \log N)$  to  $O(N)$ , lowering power consumption and chip area.
- Modified network to allow number of elements to be arbitrary integer, not necessarily of the form  $N = 2^k$  as in earlier designs, resulting in greater flexibility in design to meet specifications.

#### Kuramoto model with time delay

- Studied networks of coupled oscillators with global, time-delayed coupling.
- Generalized a theorem due to Hayes (1959), which governs the distribution of zeros of exponential polynomials and the stability of delay differential equations.
- Stated conditions for synchronization and incoherence for oscillators interacting with time delay.

#### Coupled arrays of Josephson junctions

- Studied interactions of two inductively coupled discrete Josephson rings.

#### Lasers with injection

- Analyzed dynamics of a solid-state laser driven by injected sinusoidal field.
- Discovered a novel global codimension-2 bifurcation underlying the unlocking mechanism.
- Established conditions for stable phase-locking of injection lasers.

## Publications

- M. K. S. Yeung, "A two-player multi-game match without optimal strategies", manuscript in preparation (2005).
- M. K. S. Yeung, "Reverse engineering gene networks using perturbations with unknown effects", manuscript in preparation (2005).
- M. K. S. Yeung, "Inferring local structures of gene networks", manuscript in preparation (2005).
- M. K. S. Yeung, "Some anomalies in the probabilities of various outcomes in a sequence of paired comparisons", manuscript in preparation (2005).
- M. K. S. Yeung, "Winning the battles but losing the war", submitted for publication (2005).
- J. J. Collins, D. di Bernardo, T. S. Gardner, J. Tegnér and M. K. S. Yeung, "Systems and Methods for Reverse Engineering Models of Biological Networks", U.S. Patent Application Serial No. 10/506,734 (filed in 2004).
- R. W. Adams, D. J. Mar and M. K. S. Yeung, "Efficient data-directed scrambler for noise-shaping mixed-signal converters with an arbitrary number of discretization levels with arbitrary weights", U.S. Patent Application No. 20030197633 (filed in 2003).
- M. K. S. Yeung, Book review of "When Least is Best", by F. J. Nalin, *UMAP J.*, 25(4): 439-440 (2004).
- R. W. Adams, D. J. Mar and M. K. S. Yeung, "Data-directed scrambler for noise-shaping mixed-signal converters with an arbitrary number of discretization levels" U.S. Patent No. 6,614,377 (2003). Cited 5 times.
- M. K. S. Yeung, Book review of "An Introduction to Mathematical Modeling in Physiology, Cell Biology, and Immunology", edited by J. Sneyd, *SIAM Review*, 45(3): 621-624 (2003).
- J. Tegnér, M. K. S. Yeung, J. Hasty and J. J. Collins, "Reverse engineering gene networks: Integrating genetic perturbations with dynamical modeling", *Proc. Natl. Acad. Sci. USA* 100, 5944-5949 (2003). Cited 30 times.
- M. K. S. Yeung, J. Tegnér and J. J. Collins, "Reverse engineering gene networks using singular value decomposition and robust regression", *Proc. Natl. Acad. Sci. USA* 99, 6163-6168 (2002). Cited 57 times.
- M. K. S. Yeung and S. H. Strogatz, "Time delay in the Kuramoto model of coupled oscillators", *Phys. Rev. Lett.* 82, 648-651 (1999). Cited 56 times.
- M. K. S. Yeung and S. H. Strogatz, "Nonlinear dynamics of a solid-state laser with injection", *Phys. Rev. E* 58, 4421-4435 (1998); with erratum, *Phys. Rev. E* 61, 2154 (2000). Cited 18 times.
- A. E. Duwel, C. F. Heij, J. C. Weisenfeld, M. K. S. Yeung, E. Trias, S. J. K. Várdy, H. S. J. van der Zant, S. H. Strogatz and T. P. Orlando, "Interactions of topological kinks in two coupled rings of nonlinear oscillators", *Phys. Rev. B* 58, 8749-8754 (1998). Cited 1 time.

## Conference Presentations

### On gene networks:

- Poster, Gordon Research Conference on Theoretical Biology & Biomathematics, Hilton School, NH (2002).
- Poster, First SIAM Conference on the Life Sciences, Boston, MA (2002).

### On data converters:

- Sixth SIAM Conference on Applications of Dynamical Systems, Snowbird, UT (2001)
- APS March Meeting, Seattle, WA (2001).
- AFS March Meeting, Minneapolis MN (2000)

### On the Kuramoto Model:

- Fifth SIAM Conference on Applications of Dynamical Systems, Snowbird, UT (1999).

### On dynamics of laser:

- Poster, Gordon Research Conference on Nonlinear Science, South Hadley MA (2001).

## Invited Lectures

On applied probability:

- MIT Sloan School of Management (2005).

On gene networks:

- Third Annual Intermountain/Southwest Conference on Industrial and Interdisciplinary Mathematics Arizona State University (2004).
- Department of Mathematics, University of Arizona (2003).
- Department of Mathematics and Statistics Utah State University (2003).
- Department of Mathematics University of Massachusetts, Boston (2003).
- Department of Mathematics, University of Georgia, Athens (2003).
- Center for Bioinformatics, University of Pennsylvania (2003).
- Department of Mathematics, University of California, Davis (2003).
- Department of Applied Mathematics, University of Washington (2002).
- SIAM 50th Anniversary and 2002 Annual Meeting, Philadelphia, PA (2002).

On data converters:

- Industrial and Interdisciplinary Math Colloquium, Utah State University (2003).
- Center for BioDynamics, Boston University (2001).

On the Kuramoto Model:

- Center for BioDynamics, Boston University (2000).
- Neurogroup, Boston University (2000).
- Centre for Nonlinear Dynamics in Physiology and Medicine, McGill University (1998).

On dynamics of laser:

- Department of Physics, Utah State University (2003).
- International Conference on Dynamics of Continuous, Discrete and Impulsive Systems, London, Ontario, Canada (2001).
- Department of Mathematics, Boston University (1999).

## Teaching and Other Pedagogical Experience

Instructor, Utah State University, Fall 2003 – present. Courses taught:

Course	Semester	Evaluation <sup>†</sup>
Math 1210: Calculus I	Fall 05	—
Math 2250: Linear Algebra & Differential Equations	Fall 05	—
Math 5460: Theory & Application of Nonlinear Dynamical Systems	Spring 05	6.0/6.0
Math 2250H: Linear Algebra & Differential Equations (Honors)	Fall 04	5.5/6.0
Math 5610: Computational Linear Algebra & Solution of Equations	Fall 04	5.4/6.0
Math 2250: Linear Algebra & Differential Equations (2 sections)	Spring 04	5.6 & 5.1/6.0
Math 5910: Directed Reading: Mathematical Biology	Spring 04	—
Math 5610: Computational Linear Algebra & Solution of Equations	Fall 03	5.2/6.0
Phyx 5810: Physics Colloquium, as guest lecturer	Fall 03	—

†: Department average: 4.8/6.0 (Fall 03), 4.9/6.0 (Spring 04), 5.0/6.0 (Fall 04, Spring 05).

College average: 4.8/6.0 (Fall 03) 4.9/6.0 (Spring 04, Fall 04 Spring 05).

Major advisor of Marty Garlick; minor advisor of 8 students: Fiya Choctinan, Alia Ciddle, Justin Heavilin, Agnieszka Jach, Inga Maslova (M. Sc., 2005), Kady Schmeiter (Ph.D., 2004) Laura Watkins (Ph.D., 2005), Brian Yurk.

Co-facilitator, Graduate Teaching Development Workshops, Center for Learning and Teaching, Cornell University, Spring 1999.

Member, Organizing Committee, Office of Instructional Support, Cornell University Spring & Fall 1996, Spring 1997.

APPENDIX TO FILE, “DEGREE EVIDENCE 2,” – INCORPORATED JUNE 6, 2023

The following items of documentary evidence were added to file, “Degree Evidence 2,” on date supra for purpose of providing context herewith.

All except the last two pages (comprising an email confirming an appointment which occurred February 21, 2008, between two representatives of USF Human Resources, and myself with my attorney, Ms. Kimberly A. Hancock, the results of which were discussed in trial transcript testimony, *Kao v. USF*; see pages 432 – 439) were formally admitted into evidence by the trial court during proceedings taking place calendar year 2012. The latter was not offered as an exhibit at trial by my attorneys, Mr. Christopher W. Katzenbach and Mr. Conor D. Mack, because that such a meeting occurred was not at issue – see trial transcript pages referenced for my testimony as to the outcome of the meeting.

Note that the document, “Addendum with Complaint,” was admitted into evidence in its entirety, see Plaintiff’s Exhibit Tags 3 - 4, entry into evidence, trial transcript, pages 312 and 820 with source documents to “Complaint,” labeled, “SD #,” and source documents to “Addendum,” labeled, “SDA #.”

The documents attached as appendix appear roughly in chronological order as these were generated, in my opinion, *as official administrative records of USF*, while I was employed as a full-time faculty member. Descriptions of appendix documents are as follows.

- SD 351 – SD 357: Email from myself to USF Human Resources with response from 2006; (7 pages).
- SD 198 – SD 209: Excerpts of a professional journal article, relevant to my own admission to the doctoral program at Princeton University in calendar year 1985, see section labeled, “Education,” on main webpage of the JSKIndependentLegal.com website; (12 pages).
- Human Resources Complaint Policy Statement from calendar year 2006 with some text highlighted for readers’ of, the JSKIndependentLegal.com website, reference (admitted into evidence absent highlight as Plaintiff’s Exhibit 5, see trial transcript page 273); (6 pages).
- Excerpts from, “Complaint,” filed calendar year 2006 including front matter: cover letter with table of contents; introduction, pages 1 – 9; summary of issue raised of the appointment of Dr. Yeung and his academic credentials which occurred spring semester 2006, pages 29 – 31; details as to this latter issue, pages 91 – 104; (30 pages).
- Excerpts from, “Addendum,” filed calendar year 2007 including front matter: cover letter with table of contents; introduction and negotiations between, myself represented by my attorney Mr. Christopher W. Katzenbach, and USF Human Resources represented by USF General Counsel, following formal submission of document “Complaint,” to USF, pages 1 – 19; (28 pages).
- SDA 113: physician’s letter to USF on my behalf, referenced in document, “Addendum,” page 12; (1 page).
- USF Human Resources Policy Statement in regards discrimination/harassment published calendar year 2007 with some text highlighted for readers’ of, the JSKIndependentLegal.com website, reference (admitted into evidence absent highlight as Plaintiff’s Exhibit 6, see trial transcript page 275; 8 pages).
- Email from USF Human Resources with (as attachment) **Assistant Vice President of Human Resources, Martha Peugh-Wade’s, “two-page response,” to “Addendum with Complaint,” referred to by the Appellate Court in its decision, see file link labeled, “Court Summary,” (page 2, lattermost thereof) in section of main webpage, JSKIndependentLegal.com, in section labeled, “Reference Documents & Court Summary,”** (admitted into evidence as Plaintiff’s Exhibit 24, see trial transcript page 437); (3 pages).
- Email scheduling an, “Informal Complaint Intake Meeting,” with USF Human Resources – as a requisite first step towards filing of a, “Formal Complaint,” in the asserted (in the meeting and in my testimony at trial, *Kao v. USF*) matter of the failure to advertise in any professional journal (neither online publication nor print publication thereof), but rather only list in an online job database, a tenure-track faculty position opening in the Mathematics Department – search conducted academic year 2007-08 – among other issues of concern to me and my attorney in attendance at the meeting, Ms. Kimberly A. Hancock (see trial transcript, pages 432 – 439 for partial testimony as to this matter); this document was not offered by my attorneys at trial proceedings, Mr. Christopher W. Katzenbach and Mr. Conor D. Mack, in my opinion, because that such a meeting took place February 2008, was not made a matter of controversy by counsel for USF; (2 pages).



From: John S. Kao <kao@usfca.edu>  
To: tamayo@usfca.edu  
Cc: brownb@usfca.edu, turpinj@usfca.edu  
Date: Wed, 11 Jan 2006 14:06:30 -0800  
X-Mailer: iPlanet Messenger Express 5.2 HotFix 2.05 (built Mar 3 2005)  
Subject: Initiation of Complaint: Discrimination and Harassment  
X-Accept-Language: en  
Priority: normal

Dear Elsie

As I indicated to you last week, I have considered carefully the initiation of a

Complaint of Discrimination and Harassment

in accordance with the

University of San Francisco Prevention of  
Sexual and Other Unlawful Harassment Policy.

I have just hand delivered to your office a memo which begins this process. In this matter I request your service as Intake Officer.

I have attached a PDF version of this memo as duplicate.

Sincerely,

John Kao  
Associate Professor  
Mathematics, USF



Memo to E Tamayo.pdf



# Memorandum

To: Elsie Tamayo, University Affirmative Action Officer, Human Resources, USF

CC: Brandon Brown, Associate Dean of Sciences, USF  
Jennifer Turpin, Dean of Arts and Sciences, USF

From: John Kao, Associate Professor, Mathematics Department, USF *John Kao*

Date: January 10, 2006

Re: Request for meeting in accordance with Informal Complaint Procedure as specified in the *University of San Francisco Prevention of Sexual & Other Unlawful Harassment Policy*

---

Thank you for meeting briefly with me on Wednesday, January 4, 2006, at 2:00pm. I greatly appreciated the clarification of university policy which you provided. I am writing to request a meeting with you, for the purpose of

- Intake Procedure—Informal Complaint Procedure

as disclosed in the *University of San Francisco Prevention of Sexual & Other Unlawful Harassment Policy* and published on <http://www.usfca.edu/hr/aaeco>. Thank you for indicating that the policy document I obtained from [www.usfca.edu](http://www.usfca.edu) in August 2005 is now, out of date, and that the current policy statement was published online towards the end of Fall semester. Thank you, also, for explaining that there exists no separate Procedure for discrimination, but rather

- the scope of the above Policy and corresponding Complaint Procedures is inclusive of acts of discrimination.

I hope you will be able to schedule such a meeting with me within the next two weeks.

At this meeting, I intend to present allegations of both harassment and discrimination, both in general and directed at myself, which I will outline below. Of particular relevance will be the actions of two Mathematics professors who have served as Administrators (while retaining faculty appointment):

- Tristan Needham, Associate Dean of Sciences (Spring 1999 - Spring 2004)
- Stanley Nel, Dean of Arts and Sciences (Fall 1990 - Spring 2003)

My complaint involves the following matters in particular:

- In violation of USF affirmative action/equal opportunity policy, Deans Needham and Nel created a category of faculty appointment (Full Professorship requiring only one semester per year of teaching duties) for which no provision exists in the USFFA *Collective Bargaining Agreement (CBA)*. Thereafter, Dean Needham hired an acquaintance (John Stillwell) into this position (2001, first semester teaching as a tenured Professor—Fall 2002). This appointment carries the highest salary scales

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attainable by faculty at USF and is irrevocable. No search was conducted for this appointment. In violation of CBA faculty workload requirements (which mandates an average teaching load of 9 units, of regular coursework, per semester), John Stillwell has been permitted a reduced teaching load as part of his special appointment (he has carried a teaching load of 8 units, of regular coursework, every semester during the five semesters he has taught as a tenured Professor at USF: Fall 2002, Spring 2003, Spring 2004, Fall 2004 and Fall 2005).

- In violation of USF affirmative action/equal opportunity policy, in conducting a search under the supervision of Dean Needham, the search committee violated the *College of Arts and Sciences Chronological Procedures for Hiring Probationary and Term Faculty*. These procedures implement USF's affirmative action/equal opportunity policy as reported to external and accrediting agencies. This violation included failure to conduct a "Second Meeting of the Department and the Search Committee--The Search Committee meets with the Department to discuss which candidate(s) should be recommended to the Dean." This is supposed to be held after on-campus interviews with visiting candidates, but prior to the final recommendation being made and presented to the Dean. The unusual conduct of this search was noted by external reviewers within the Mathematics Program Review. *Report of the Visiting Committee to the Department of Mathematics at the University of San Francisco May 27, 2004*. This search resulted in the hiring of Stephen Devlin in Spring 2004. I remark that the above *Procedures* were not fully disclosed to me until Fall 2005.
- Dean Needham engaged in both harassment and discrimination against me, which included defamation of character and libel. This occurred in an administrative letter (printed on USF letterhead and signed) which was delivered to administrators at another institution of higher education (John Loomis, Chair of Architecture, and David Meckel, Dean of Design and Architecture; both at the prestigious art institute, California College of Arts and Crafts) as well as to faculty and administrators at USF. No other faculty member has been treated in this way. A USFFA Grievance was settled in my favor on December 7, 2000.
- As a result of a temporary medical condition with which I was afflicted (allergic reaction to a medication), Dean Needham applied undue and discriminatory pressure on me, which in the context of prior actions (defamation of character and libel), compelled me to take a one semester leave of absence without pay (Spring 2002). Again, no other faculty member has been treated in this way.

In addition to the foregoing, I believe that the hiring practices of the Mathematics Department and the Computer Science Department at USF have resulted in faculties that are predominantly white male. These departments are closely connected due to four faculty holding the rank of Professor and appointed to both Mathematics and Computer Science, concurrently. These dual-appointment faculty of Math and CS are full decision makers in both departments.

- In nine appointments of tenured/tenure-track faculty within these two departments, from Fall 1991 – present, the university has hired only white males. The result is a collection of 18 regular teaching faculty (tenured/tenure-track) all of which are white, non-Hispanic males, except myself. I note that I am an Asian/Pacific Islander male. There are no female faculty, tenured/tenure-track, within Math or CS. As noted above, the last two appointments in Mathematics have been made in violation of USF College of Arts and Sciences search *Procedures* and USF's affirmative action policies.

In this matter, I am represented by Mr. Christopher W. Katzenbach, of the San Francisco law firm, Katzenbach & Khitikian. I look forward to your reply to this request. Please feel free to email me at: kao@usfca.edu.

Date: Mon, 27 Feb 2006 14:42:28 -0800  
From: "Elsie S. Tamayo" <tamayo@usfca.edu>  
Subject: Meeting on Jan 26, 2006  
X-Sender: tamayo@ace.usfca.edu (Unverified)  
To: kao@usfca.edu  
Cc: stoner@usfca.edu, turpinj@usfca.edu tamayo@usfca.edu  
Delivered-to: kao@usfca.edu  
Original-recipient: rfc822;kao@sage.usfca.edu

**CONFIDENTIAL**

To: John Kao, Associate Professor, Math Department  
From: Elsie Tamayo, Manager, Professional Development/Affirmative Action  
Re: Meeting on January 26, 2006  
Date: February 27, 2006  
Cc: Terry Stoner, Associate Vice President; Jennifer Turpin, Dean Arts & Sciences

I am writing to follow up on (i) your informal complaint under the University Prevention of Sexual and Other Unlawful Harassment (PSOUH) Policy filed January 10; and (ii) your January 26 intention to file a formal complaint with my office.

When we met on January 26, you said you were not ready to file a formal complaint at that time. I discussed the formal complaint process with you and explained how to initiate a complaint. You indicated that you would likely file a formal complaint with Associate Vice President (AVP) Stoner within a month.

I have since consulted with AVP Stoner.

Section C.3 of the PSOUH ( 'Informal Complaint Procedure') states:

If an acceptable resolution is not reached, or is not likely to be reached, within 30 working days or otherwise in a manner to promptly and effectively correct harassment, the complainant or the Affirmative Action Officer may determine to resolve the matter through the formal complaint procedure<sup>5</sup>.

Section C.5 of the PSOUH also states:

To assist the University to determine whether a violation of Policy has occurred and/or to determine what, if any, corrective action should be taken, the AVP or his designee may initiate an investigation with or without a formal complaint being filed.<sup>1</sup>

After consultation with AVP Stoner, I advise you that he has decided to conduct a formal investigation of your complaint. In doing so, I note the following:

A formal investigation provides a full review of your charges including what appeared to me to be a large personal file of information. Once the investigation is completed, a report is given to your Dean. Generally, when this report is prepared it may contain information of value to your Dean for considering administrative improvements regardless of whether the investigation shows a violation of the PSOUH policy.

Given the scope of issues that you described would be part of your formal complaint, the informal process (as distinguished from the formal process) would not sufficiently cover the full assessment that is required by the nature of the allegations in your January 10, 2006 letter. Especially if we are to achieve a resolution.

Hence, please send me copies of all the documents that relate to your complaint. Please include those which you had with you and referred to in our January 26, 2006 meeting. Meanwhile, I will begin gathering information the University may have relevant to the issues raised in your January 10 letter. When you send me your documents, feel free to supplement the issues and information you stated in your January 10 letter. I would appreciate your providing these documents and any additional information within the next ten (10) days.

As you know from reading the PSOUH Policy, the AVP may ask me, someone else at the University, or an external investigator to do the factfinding. AVP Stoner will write you soon regarding that issue.

Please note that if you and the Dean of the College wish to meet before or during the investigation to explore options for a mutually agreeable resolution, nothing in the formal procedure prevents you from doing so.

Finally, feel free to give a copy of this memo to your attorney. Should he choose to seek consultation with University counsel on this matter, he may contact Ms. Donna Davis, General Counsel, at telephone (415) 422-2902. Thank you.

--

Elsie Tamayo

Manager, Professional Development  
and Affirmative Action

University of San Francisco  
2130 Fulton Street  
San Francisco, CA 94117

415-422-2833



Human Resources  
1030 Fulton Street  
San Francisco, CA 94117-1080  
tel. 415 422-6737

CONFIDENTIAL

To: John Kao, Associate Professor, Math Department  
From: Elsie Tamayo, *Elsie Tamayo*, Professional Development/Affirmative Action  
Re: Meeting on January 26, 2006  
Date: February 27, 2006  
Cc: Terry Stoner, Associate Vice President; Jennifer Turpin, Dean Arts & Sciences

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Please note that if you and the Dean of the College wish to meet before or during the investigation to explore options for a mutually agreeable resolution, nothing in the formal procedure prevents you from doing so.

Finally, feel free to give a copy of this memo to your attorney. Should he choose to seek consultation with University counsel on this matter, he may contact Ms. Donna Davis, General Counsel, at telephone (415) 422-2902. Thank you.



# Notices

## of the American Mathematical Society

Volume 30 Number 3, April 1983

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## Newest Ratings of Graduate Programs in Mathematics

by Donald C. Rung

Between September 1982 and January 1983 the Conference Board of Associated Research Councils published a five-volume assessment of various graduate programs including mathematics. Volume 1, published in October 1982, assessed the mathematical and physical sciences. The Conference Board includes representatives of the American Council of Learned Societies, American Council on Education, Social Science Research Council, and the National Research Council.

This survey is the fourth such survey since 1957 when Hayward Kennison of the University of Pennsylvania evaluated graduate programs. The second survey was done in 1964 by Allan Cartter, then Vice-President of the American Council on Education. A summary of these reports for mathematics graduate programs was published in the December 1966 issue of the *Notices*. The third survey, by Kenneth D. Roose and Charles J. Andersen of the American Council on Education, was published in 1970 and the mathematics ratings were summarized in the February 1971 issue of the *Notices*.

The 1982 survey is a somewhat more elaborate assessment than previous surveys. It rates over 2,600 programs in 31 fields in the physical and mathematical sciences, engineering, life sciences, social sciences and humanities (about the same breadth as in the 1970 Roose-Andersen survey). It reports sixteen different measures to assess each program as opposed to three measures reported in the 1970 survey. The measures are grouped into six categories: program size, characteristics of graduate program, university library, research support, published articles, and survey results. All but the last are factual measures. The survey measures, sometimes called reputational measures, are mean ratings of (1) scholarly quality of program faculty, (2) effectiveness of the program in educating research scholars or scientists, (3) improvement in program quality in the last five years, and (4) the evaluator's familiarity with the work of the program faculty (The reputational survey was conducted in the Spring of 1981.) In this article the first three reputational measures are reproduced in Tables A, B and C. These were the same measures used in the 1970 and 1964 surveys. Furthermore, the ratings scale and nomenclature have remained the same for the first two program measures (Tables A and B).

For quality of graduate faculty (Table A) the scale was

- 5 ... distinguished
- 4 ... strong
- 3 ... good
- 2 ... adequate
- 1 ... marginal
- 0 ... not sufficient for doctoral training
- X ... don't know well enough to evaluate

The scale for rating the effectiveness of doctoral programs (Table B) was

- 3 ... extremely effective
- 2 ... reasonably effective
- 1 ... minimally effective
- 0 ... not effective
- X ... don't know well enough to evaluate

(the nomenclature but not the scale used in the 1970 report for this second parameter was slightly different).

The 1982 report contains an evaluation of the improvement of the program quality (Table C) based on the following scale:

- 2 ... better than 5 years ago
- 1 ... little or no change in last 5 years
- 0 ... poorer than 5 years ago
- X ... don't know well enough to evaluate

The 1970 report had a similar rating separated, however, into two components: improvement of faculty and improvement in effectiveness of educating research scholars.

To be nominated for inclusion in the 1982 survey a mathematics program needed either (1) a minimum of seven doctoral graduates in the period 1976-1978 or at least three doctoral graduates in 1979, or (2) an average of at least 2.0 in the 1970 Roose-Andersen assessment of quality of program faculty. The 1982 study included assessments for 115 mathematics programs. They accounted for 92% of the doctoral degrees in mathematics awarded during the period 1976-1979. Only 102 programs were assessed in the 1970 survey.

Of the 348 faculty members asked to participate in the reputational part of the recent assessment, 223 (64%) responded. Each evaluator was asked to rate no more than fifty randomly selected programs and was supplied with a list of faculty members in each program as well as the number of doctorates awarded in the period 1976-1980.

It should be noted that the program faculty was limited to those who participate significantly in the doctoral education program. (In some instances, therefore, the faculty size reported in this study is smaller than that given in the Annual AMS Survey reports.) The 1970 assessment survey was based on responses from 240 evaluators.

In addition to the raw scores, the 1982 assessment also reported a normalized score (mean 50, standard deviation 10) in most of the sixteen categories. The normalized scores were computed from exact values of the measures and not from the rounded raw values given in the published report. Thus programs with the same rounded raw score may have different normalized scores or those with different reported raw scores may have been reported as having the same normalized score, since the latter was also rounded.

The 1982 assessment also contained evaluations of 64 programs in statistics/biostatistics and 58 programs in computer science. The three reputational measures reproduced for mathematics are also given for these programs in corresponding tables following those for mathematics. [See Editor's Note, below.]

Copies of the complete report *An assessment of research-doctorate programs in the United States*, are available for \$10.50 per volume from the National Academy Press, 2101 Constitution Avenue N.W., Washington, DC 20036.

**EDITOR'S NOTE.** In addition to the tables on the three following pages giving the ratings on mathematics programs discussed above by Professor Rung, we reproduce corresponding tables for Statistics/Biostatistics and Computer Science.

The criteria for inclusion differ somewhat for the latter two, since the cut-off level was set for

each discipline so that those departments which had granted ninety percent of the doctoral degrees during the academic years 1976-1977 to 1977-1978 qualified: for mathematics the cut-off was seven or more doctorates in that period; for both statistics/biostatistics and computer science, it was five. In addition, a qualifying department was required to have granted during 1978-1979 more than one-third of the number of the degrees specified in the previous sentence.

Several departments which met the criteria for inclusion in the study did not participate. Three programs which met the criteria for the mathematics study but were not included are those at Idaho State University, Lehigh University and the University of Northern Colorado. Programs which qualified for inclusion in the statistics/biostatistics study but did not participate are those at Dartmouth College, University of Illinois (Chicago), New York University, University of Northern Colorado and the University of South Carolina. Programs in computer science which were omitted are those at the University of Chicago, George Washington University, Harvard University, Northeastern University, Purdue University, University of Southwest Louisiana and the University of Texas (Health Science Center, Dallas). Several departments were included in both the mathematics and the statistics/biostatistics studies.

In the mathematics study, two departments at Brown University (Mathematics, Applied Mathematics) were grouped together, as were Mathematics and Biomathematics at UCLA, but both Mathematics and Applied Mathematics at the University of Maryland (College Park) were included separately.

Tables A, B, and C for Statistics/Biostatistics (pages 262, 263, 264) and for Computer Science (pages 265, 266, 267) follow those for Mathematics (pages 259, 260, 261).

## Graduate Programs in Mathematics

Table A. Ranked by Scholarly Quality of Program Faculty

Princeton University	4.9	Pittsburgh, University of	2.5
California, University of (Berkeley)	4.9	SUNY at Albany	2.4
Massachusetts Institute of Technology	4.9	Florida State University	2.4
Chicago, University of	4.8	Oregon State University	2.4
Harvard University	4.8	Temple University	2.4
Stanford University	4.6	California, University of (Riverside)	2.3
New York University	4.5	Clermont Graduate School	2.3
Yale University	4.5	Syracuse University	2.3
Columbia University	4.4	Virginia Polytechnic Institute & State University	2.3
Wisconsin, University of (Madison)	4.3	California, University of (Davis)	2.3
Brown University	4.1	Florida, University of	2.3
Michigan, University of	4.1	Georgia, University of	2.3
Cornell University	4.0	Kansas, University of	2.3
California, University of (Los Angeles)	4.0	Iowa, University of	2.2
Illinois, University of	4.0	Delaware, University of	2.2
Minnesota, University of	3.9	Georgia Institute of Technology	2.2
California Institute of Technology	3.8	Wayne State University	2.2
Brandeis University	3.8	Iowa State University	2.1
SUNY at Stony Brook	3.7	New Mexico, University of	2.1
Pennsylvania, University of	3.7	North Carolina State University	2.1
Rutgers University	3.6	Polytechnic Institute of New York	2.1
Washington, University of	3.6	Tennessee, University of	2.1
CUNY Graduate School	3.5	Oklahoma, University of	2.0
Indiana University	3.5	Vanderbilt University	2.0
Maryland, University of (Applied Math.)	3.5	Connecticut, University of	2.0
Maryland, University of (Mathematics)	3.5	Auburn University	1.9
Northwestern University	3.5	Cincinnati, University of	1.9
Purdue University	3.4	Colorado State University	1.9
California, University of (San Diego)	3.4	Houston, University of	1.9
Johns Hopkins University	3.4	Wesleyan University	1.9
Rice University	3.4	Nebraska, University of	1.8
Texas, University of (Austin)	3.3	Kent State University	1.8
Utah, University of	3.2	South Carolina, University of	1.8
Washington University	3.1	Missouri, University of (Columbia)	1.7
Illinois, University of (Chicago)	3.0	SUNY at Binghamton	1.7
Carnegie-Mellon University	3.0	Boston University	1.7
North Carolina, University of	3.0	Clemson University	1.7
Ohio State University	3.0	Oklahoma State University	1.7
Pennsylvania State University	3.0	Texas Tech University	1.7
Virginia, University of	3.0	Texas, University of (Arlington)	1.7
Oregon, University of	2.9	Wisconsin, University of (Milwaukee)	1.6
Colorado, University of	2.9	Clerkson College of Technology	1.5
Duke University	2.8	Southern Illinois University	1.5
Kentucky, University of	2.8	Emory University	1.5
Southern California, University of	2.8	South Florida, University of	1.5
Notre Dame, University of	2.7	Bowling Green State University	1.3
Rensselaer Polytechnic Institute	2.7	Denver, University of	1.3
Rochester, University of	2.7	Ohio University	1.3
SUNY at Buffalo	2.7	Montana, University of	1.2
California University of (Santa Barbara)	2.7	Stevens Institute of Technology	1.2
Louisiana State University	2.7	Missouri, University of (Rolla)	1.1
Massachusetts University of (Amherst)	2.7	Western Michigan University	1.1
Michigan State University	2.7	Alabama, University of	1.1
Tulane University	2.7	Illinois Institute of Technology	1.1
Arizona, University of	2.6	Adelphi University	0.9
Case Western Reserve University	2.6	Saint Louis University	0.7
Dartmouth College	2.6	New Mexico State University	NA
Northeastern University	2.5		

## Graduate Programs in Mathematics

Table B Ranked by Effectiveness in Educating Research Scholars

Princeton University	2.8	California, University of (Riverside)	1.6
California, University of (Berkeley)	2.7	Duke University	1.5
Harvard University	2.7	Florida State University	1.5
Massachusetts Institute of Technology	2.7	Iowa, University of	1.5
Chicago, University of	2.7	Northeastern University	1.4
Stanford University	2.6	Oregon State University	1.5
New York University	2.6	California, University of (Davis)	1.4
Yale University	2.5	Claremont Graduate School	1.4
Wisconsin, University of (Madison)	2.4	Syracuse University	1.4
Michigan, University of	2.4	Virginia Polytechnic Institute & State University	1.4
Brown University	2.4	Florida, University of	1.4
Cornell University	2.3	Tennessee, University of	1.4
California, University of (Los Angeles)	2.3	Georgia, University of	1.3
Columbia University	2.3	Kansas, University of	1.3
Illinois, University of	2.3	Delaware, University of	1.3
Minnesota, University of	2.2	Georgia Institute of Technology	1.3
California Institute of Technology	2.2	Temple University	1.3
Brandeis University	2.1	New Mexico University of	1.3
SUNY at Stony Brook	2.0	Wayne State University	1.2
Pennsylvania, University of	2.1	Iowa State University	1.2
Rutgers University	2.0	North Carolina State University	1.2
Washington, University of	2.0	Polytechnic Institute of New York	1.2
Purdue University	2.1	Oklahoma, University of	1.2
Rice University	2.0	Vanderbilt University	1.2
Indiana University	2.0	Cincinnati, University of	1.2
Maryland, University of (Mathematics)	2.0	Houston, University of	1.2
California, University of (San Diego)	2.0	Wesleyan University	1.1
Northwestern University	2.0	Clamson University	1.1
Carnegie-Mellon University	1.9	Auburn University	1.1
SUNY Graduate School	1.9	Kent State University	1.1
Maryland, University of (Applied Math.)	1.9	Connecticut, University of	1.0
Texas, University of (Austin)	1.8	Nebraska, University of	1.0
Washington University	1.8	SUNY at Binghamton	1.1
Ohio State University	1.8	Oklahoma State University	1.0
Pennsylvania State University	1.8	Wisconsin, University of (Milwaukee)	1.0
Virginia, University of	1.8	Colorado State University	1.0
Kentucky, University of	1.8	Texas Tech University	1.0
Oregon, University of	1.8	South Carolina, University of	0.9
Colorado, University of	1.8	Missouri, University of (Columbia)	0.9
Johns Hopkins University	1.7	Texas, University of (Arlington)	0.9
Utah, University of	1.7	Emory University	0.9
North Carolina, University of	1.7	South Florida, University of	0.9
Notre Dame, University of	1.7	Clarkson College of Technology	0.9
Rochester, University of	1.7	Stevens Institute of Technology	0.8
Tulane University	1.7	Missouri, University of (Rolla)	0.9
Illinois, University of (Chicago)	1.7	Boston University	0.8
Rensselaer Polytechnic Institute	1.7	Southern Illinois University	0.8
SUNY at Buffalo	1.7	Denver, University of	0.7
California, University of (Santa Barbara)	1.7	Adelphi University	0.7
Massachusetts, University of (Amherst)	1.7	Bowling Green State University	0.6
Michigan State University	1.7	Montana, University of	0.6
Pittsburgh, University of	1.7	Ohio University	0.6
Southern California, University of	1.6	Western Michigan University	0.6
Louisiana State University	1.6	Illinois Institute of Technology	0.5
Arizona, University of	1.8	Saint Louis University	0.5
Case Western Reserve University	1.5	Alabama, University of	0.4
Dartmouth College	1.6	New Mexico State University	NA
SUNY at Albany	1.5		



## Graduate Programs in Mathematics

Table C. Ranked by Improvement in Quality in Last Five Years

Utah, University of	1.7	Purdue University	1.1
Texas, University of (Austin)	1.6	Case Western Reserve University	1.1
Kentucky, University of	1.6	Rice University	1.1
Illinois, University of (Chicago)	1.5	Oregon, University of	1.1
Delaware, University of	1.5	Rensselaer Polytechnic Institute	1.1
California, University of (San Diego)	1.4	Nebraska, University of	1.1
Texas, University of (Arlington)	1.4	Montana, University of	1.1
Rutgers University	1.4	Cornell University	1.1
Pennsylvania State University	1.4	Illinois, University of	1.1
Northeastern University	1.4	Auburn University	1.1
Virginia Polytechnic Institute & State University	1.4	SUNY at Binghamton	1.1
Texas Tech University	1.4	Clarkson College of Technology	1.1
South Carolina, University of	1.4	Western Michigan University	1.1
Maryland, University of (Mathematics)	1.3	California Institute of Technology	1.1
Tennessee, University of	1.3	Southern California, University of	1.1
California, University of (Los Angeles)	1.3	SUNY at Buffalo	1.1
SUNY at Stony Brook	1.3	Princeton University	1.1
Washington, University of	1.3	Columbia University	1.1
Georgia, University of	1.3	Wisconsin, University of (Madison)	1.1
Massachusetts, University of (Amherst)	1.3	Washington University	1.1
Arizona, University of	1.3	Rochester, University of	1.1
Georgia Institute of Technology	1.3	Louisiana State University	1.1
North Carolina State University	1.3	Tulane University	1.1
Cincinnati, University of	1.3	California, University of (Davis)	1.1
Brown University	1.3	Ohio University	1.1
Clemson University	1.3	Alabama, University of	1.1
South Florida, University of	1.3	Stanford University	1.0
North Carolina, University of	1.3	Carnegie-Mellon University	1.0
Colorado, University of	1.2	California, University of (Santa Barbara)	1.0
Wayne State University	1.2	California, University of (Riverside)	1.0
Colorado State University	1.2	Chicago University of	1.0
Minnesota, University of	1.2	Harvard University	1.0
Oregon State University	1.2	Notre Dame, University of	1.0
Houston, University of	1.2	Wisconsin, University of (Milwaukee)	1.0
Ohio State University	1.2	Claremont Graduate School	1.0
Duke University	1.2	New Mexico, University of	1.0
Temple University	1.2	Missouri, University of (Columbia)	1.0
Maryland, University of (Applied Math)	1.2	Pennsylvania, University of	0.9
Pittsburgh, University of	1.2	Dartmouth College	0.9
Oklahoma, University of	1.2	Kansas, University of	0.9
Connecticut, University of	1.2	Iowa State University	1.0
Kent State University	1.2	CUNY Graduate School	0.9
Boston University	1.2	Missouri, University of (Rolla)	0.9
Indiana University	1.2	Denver, University of	0.9
Northwestern University	1.2	New York University	0.9
Michigan State University	1.2	Syracuse University	0.9
SUNY at Albany	1.2	Florida State University	0.8
Florida, University of	1.2	Brandeis University	0.8
California, University of (Berkeley)	1.2	Virginia, University of	0.8
Massachusetts Institute of Technology	1.1	Johns Hopkins University	0.8
Michigan, University of	1.2	Emory University	0.6
Iowa, University of	1.1	Polytechnic Institute of New York	NA
Vanderbilt University	1.1	Bowling Green State University	NA
Wesleyan University	1.1	Stevens Institute of Technology	NA
Oklahoma State University	1.2	Illinois Institute of Technology	NA
Southern Illinois University	1.2	Adelphi University	NA
Yale University	1.1	Saint Louis University	NA
		New Mexico State University	NA

## Graduate Programs in Statistics/Biostatistics

Table A. Ranked by Scholarly Quality of Program Faculty

California, University of (Berkeley) <i>Statistics</i>	4.9	Southern Methodist University <i>Statistics</i>	2.6
Stanford University <i>Statistics</i>	4.9	Ohio State University <i>Statistics &amp; Biostatistics</i>	2.5
Chicago, University of, <i>Statistics</i>	4.7	Pennsylvania University of <i>Statistics</i>	2.6
Wisconsin, University of (Madison) <i>Statistics</i>	4.3	California, University of (Riverside) <i>Statistics</i>	2.4
North Carolina, University of <i>Statistics</i>	4.0	Texas, University of (Houston) <i>Biomathematics (Anderson Hospital)</i>	2.4
Cornell University, <i>Statistics</i>	4.0	Florida, University of, <i>Statistics</i>	2.4
Harvard University, <i>Statistics</i>	4.0	North Carolina State University <i>Biomathematics</i>	2.4
Iowa State University, <i>Statistics</i>	4.0	Missouri, University of (Columbia) <i>Statistics</i>	2.3
Princeton University, <i>Statistics</i>	4.0	SUNY at Stony Brook <i>Applied Mathematics &amp; Statistics</i>	2.2
Columbia University <i>Mathematical Statistics</i>	3.8	Connecticut, University of <i>Statistics</i>	2.1
Florida State University <i>Statistics</i>	3.8	Minnesota, University of <i>Biometry</i>	2.2
Purdue University, <i>Statistics</i>	3.9	New Mexico, University of <i>Mathematics and Statistics</i>	2.1
Washington, University of <i>Biomathematics &amp; Biostatistics</i>	3.8	Yale University <i>Epidemiology &amp; Public Health</i>	2.0
Minnesota, University of <i>Statistics</i>	3.7	South Florida, University of <i>Mathematics</i>	2.0
North Carolina, University of <i>Biostatistics</i>	3.7	Kansas State University <i>Statistics</i>	1.8
Yale University, <i>Statistics</i>	3.7	Pittsburgh, University of <i>Biostatistics (Public Health)</i>	1.9
California, University of (Los Angeles) <i>Public Health &amp; Mathematics</i>	3.7	SUNY at Buffalo, <i>Statistics</i>	1.9
Carnegie-Mellon University <i>Statistics</i>	3.5	Wyoming, University of <i>Statistics</i>	1.9
Illinois, University of (Urbana) <i>Mathematics</i>	3.4	Delaware, University of <i>Applied Sciences</i>	1.8
Colorado State University <i>Statistics</i>	3.2	Georgia, University of <i>Statistics &amp; Computer Science</i>	1.7
Rutgers University, <i>Statistics</i>	3.2	Indiana University, <i>Mathematics</i>	1.7
Michigan State University <i>Statistics &amp; Probability</i>	3.1	Oklahoma State University <i>Statistics</i>	1.7
Michigan, University of <i>Statistics</i>	3.1	Temple University, <i>Statistics</i>	1.8
North Carolina State University <i>Statistics</i>	3.1	Case Western Reserve University <i>Biometry</i>	1.6
Pittsburgh, University of <i>Mathematics and Statistics</i>	3.1	Maryland, University of (College Park) <i>Mathematics</i>	1.6
Texas A&M University <i>Statistics</i>	3.1	Missouri, University of (Rolla) <i>Statistics</i>	1.5
Iowa, University of, <i>Statistics</i>	3.0	Boston University, <i>Mathematics</i>	1.4
Rochester, University of <i>Statistics</i>	3.0	Virginia Commonwealth University <i>Biostatistics (Medical College)</i>	1.1
Virginia Polytechnic Institute <i>Statistics &amp; Statistical Laboratory</i>	2.9	American University <i>Mathematics, Statistics &amp; Computer Science</i>	0.9
Johns Hopkins University <i>Biostatistics</i>	2.8	Michigan, University of <i>Biostatistics (Public Health)</i>	NA
Oregon State University <i>Statistics</i>	2.8		
Pennsylvania State University <i>Statistics</i>	2.7		
George Washington University <i>Statistics</i>	2.6		
Kentucky, University of <i>Statistics</i>	2.6		

## Graduate Programs in Statistics/Biostatistics

Table B. Ranked by Effectiveness in Educating Research Scholars

Stanford University, <i>Statistics</i>	2.8	Florida, University of <i>Statistics</i>	1.4
California, University of (Berkeley) <i>Statistics</i>	2.6	Kentucky, University of <i>Statistics</i>	1.4
Wisconsin, University of (Madison) <i>Statistics</i>	2.4	North Carolina State University <i>Biostatistics</i>	1.4
Chicago, University of <i>Statistics</i>	2.3	Yale University <i>Epidemiology &amp; Public Health</i>	1.4
Iowa State University, <i>Statistics</i>	2.3	California, University of (Riverside) <i>Statistics</i>	1.3
Cornell University, <i>Statistics</i>	2.2	George Washington University <i>Statistics</i>	1.3
Florida State University <i>Statistics</i>	2.2	Missouri, University of (Columbia) <i>Statistics</i>	1.4
North Carolina, University of <i>Biostatistics</i>	2.2	Ohio State University <i>Statistics</i>	1.3
North Carolina, University of <i>Statistics</i>	2.2	New Mexico, University of <i>Mathematics and Statistics</i>	1.3
Washington, University of <i>Biostatistics &amp; Biostatistics</i>	2.2	Pittsburgh, University of <i>Mathematics and Statistics</i>	1.3
Minnesota, University of <i>Statistics</i>	2.1	Texas, University of (Houston) <i>Biostatistics (Anderson Hospital)</i>	1.3
Purdue University, <i>Statistics</i>	2.1	Minnesota, University of <i>Biometry</i>	1.2
California, University of (Los Angeles) <i>Public Health &amp; Mathematics</i>	2.0	Kansas State University <i>Statistics</i>	1.2
Carnegie-Mellon University <i>Statistics</i>	2.0	Connecticut, University of <i>Statistics</i>	1.1
Columbia University <i>Mathematical Statistics</i>	2.0	SUNY at Buffalo, <i>Statistics</i>	1.1
North Carolina State University <i>Statistics</i>	1.9	SUNY at Stony Brook <i>Applied Mathematics &amp; Statistics</i>	1.1
Yale University, <i>Statistics</i>	2.0	Temple University, <i>Statistics</i>	1.1
Colorado State University <i>Statistics</i>	1.9	Wyoming, University of <i>Statistics</i>	1.1
Harvard University, <i>Statistics</i>	1.9	Georgia, University of <i>Statistics &amp; Computer Science</i>	1.0
Princeton University, <i>Statistics</i>	1.9	Pittsburgh, University of <i>Biostatistics (Public Health)</i>	1.0
Iowa, University of, <i>Statistics</i>	1.8	Boston University, <i>Mathematics</i>	0.8
Michigan, University of <i>Statistics</i>	1.8	Case Western Reserve University <i>Biometry</i>	0.9
Texas A&M University <i>Statistics</i>	1.8	Indiana University, <i>Mathematics</i>	0.8
Michigan State University <i>Statistics &amp; Probability</i>	1.8	Virginia Commonwealth University <i>Biostatistics (Medical College)</i>	0.8
Rutgers University, <i>Statistics</i>	1.8	Delaware, University of <i>Applied Sciences</i>	0.7
Virginia Polytechnic Institute <i>Statistics &amp; Statistical Laboratory</i>	1.8	Maryland, University of (College Park) <i>Mathematics</i>	0.7
Johns Hopkins University <i>Biostatistics</i>	1.7	Missouri, University of (Rolla) <i>Statistics</i>	0.7
Oregon State University <i>Statistics</i>	1.7	South Florida, University of <i>Mathematics</i>	0.6
Rochester, University of <i>Statistics</i>	1.7	American University <i>Mathematics, Statistics &amp; Computer Science</i>	0.4
Pennsylvania State University <i>Statistics</i>	1.6	Michigan, University of <i>Biostatistics (Public Health)</i>	NA
Southern Methodist University <i>Statistics</i>	1.6		
Illinois, University of (Urbana) <i>Mathematics</i>	1.6		
Ohio State University <i>Statistics &amp; Biostatistics</i>	1.6		
Pennsylvania, University of <i>Statistics</i>	1.4		

## Graduate Programs in Statistics/Biostatistics

Table C Ranked by Improvement in Quality in Last Five Years

Pittsburgh, University of <i>Mathematics and Statistics</i>	1.8	Kansas State University <i>Statistics</i>	1.0
Washington, University of <i>Biostatistics &amp; Biostatistics</i>	1.8	Kentucky, University of <i>Statistics</i>	1.0
Carnegie-Mellon University <i>Statistics</i>	1.6	Oregon State University <i>Statistics</i>	1.0
California, University of (Riverside) <i>Statistics</i>	1.6	Boston University, <i>Mathematics</i>	1.0
SUNY at Stony Brook <i>Applied Mathematics &amp; Statistics</i>	1.5	Columbia University <i>Mathematical Statistics</i>	1.0
Texas A.&M. University <i>Statistics</i>	1.4	Cornell University, <i>Statistics</i>	1.0
California, University of (Berkeley) <i>Statistics</i>	1.3	Florida State University <i>Statistics</i>	1.0
South Florida, University of <i>Mathematics</i>	1.3	Michigan, University of <i>Statistics</i>	1.0
Delaware, University of <i>Applied Sciences</i>	1.3	Southern Methodist University <i>Statistics</i>	1.0
Texas, University of (Houston) <i>Biostatistics (Anderson Hospital)</i>	1.2	Temple University, <i>Statistics</i>	1.0
Chicago, University of, <i>Statistics</i>	1.2	Wyoming, University of <i>Statistics</i>	1.0
Purdue University, <i>Statistics</i>	1.2	Minnesota, University of <i>Biometry</i>	1.0
Virginia Polytechnic Institute <i>Statistics &amp; Statistical Laboratory</i>	1.2	Missouri, University of (Rolla) <i>Statistics</i>	1.0
Stanford University, <i>Statistics</i>	1.2	Pittsburgh, University of <i>Biostatistics (Public Health)</i>	1.0
Pennsylvania, University of <i>Statistics</i>	1.2	Yale University, <i>Statistics</i>	1.0
Wisconsin, University of (Madison) <i>Statistics</i>	1.2	American University <i>Mathematics, Statistics &amp; Computer Science</i>	0.9
Florida, University of, <i>Statistics</i>	1.1	New Mexico, University of <i>Mathematics and Statistics</i>	0.9
Illinois, University of (Urbana) <i>Mathematics</i>	1.2	North Carolina State University <i>Statistics</i>	0.9
Iowa State University <i>Statistics</i>	1.2	Oklahoma State University <i>Statistics</i>	0.9
California, University of (Los Angeles) <i>Public Health &amp; Mathematics</i>	1.1	Johns Hopkins University <i>Biostatistics</i>	0.9
Colorado State University <i>Statistics</i>	1.1	Michigan State University <i>Statistics &amp; Probability</i>	0.9
Georgia, University of <i>Statistics &amp; Computer Science</i>	1.1	Missouri, University of (Columbia) <i>Statistics</i>	0.9
Maryland, University of (College Park) <i>Mathematics</i>	1.1	Rutgers University, <i>Statistics</i>	0.9
North Carolina, University of <i>Biostatistics</i>	1.1	North Carolina, University of <i>Statistics</i>	0.9
Pennsylvania State University <i>Statistics</i>	1.1	Princeton University, <i>Statistics</i>	0.9
Iowa, University of, <i>Statistics</i>	1.1	Virginia Commonwealth University <i>Biostatistics (Medical College)</i>	0.8
Minnesota, University of <i>Statistics</i>	1.1	North Carolina State University <i>Biostatistics</i>	0.7
Ohio State University <i>Statistics &amp; Biostatistics</i>	1.1	Case Western Reserve University <i>Biometry</i>	0.6
Yale University <i>Epidemiology &amp; Public Health</i>	1.1	Indiana University, <i>Mathematics</i>	0.6
Rochester, University of <i>Statistics</i>	1.1	George Washington University <i>Statistics</i>	0.4
Connecticut, University of <i>Statistics</i>	1.0	SUNY at Buffalo, <i>Statistics</i>	0.1
Harvard University, <i>Statistics</i>	1.0	Michigan, University of <i>Biostatistics (Public Health)</i>	NA



## Graduate Programs in Computer Science

Table A. Ranked by Scholarly Quality of Program Faculty

Stanford University, <i>Computer Science</i>	5.0	Ozi. State University	
Massachusetts Institute of Technology <i>Electrical Engineering &amp; Computer Science</i>	4.8	<i>Computer &amp; Information Science</i>	2.4
Carnegie-Mellon University <i>Computer Science</i>	4.8	Rice University, <i>Mathematical Sciences</i>	2.4
California, University of (Berkeley) <i>Electrical Engineering &amp; Computer Sciences</i>	4.5	Rutgers University, <i>Computer Science</i>	2.4
Cornell University, <i>Computer Science</i>	4.3	Syracuse University <i>Computer Science</i>	2.4
California, University of (Los Angeles) <i>Computer Science</i>	3.8	Arizona, University of <i>Computer Sciences</i>	2.4
Illinois, University of (Urbana) <i>Computer Science</i>	3.8	Indiana University, <i>Computer Science</i>	2.3
Yale University, <i>Computer Science</i>	3.5	SUNY at Buffalo, <i>Computer Science</i>	2.3
Washington, University of <i>Computer Sciences</i>	3.4	California, University of (Santa Barbara) <i>Electrical &amp; Computer Engineering</i>	2.1
Southern California, University of <i>Computer Science</i>	3.2	Pennsylvania State University <i>Computer Sciences</i>	2.1
Texas, University of (Austin) <i>Computer Sciences</i>	3.2	Kansas, University of <i>Computer Science</i>	1.9
Wisconsin, University of (Madison) <i>Computer Sciences</i>	3.2	Pittsburgh, University of <i>Computer Science</i>	1.9
Maryland, University of (College Park) <i>Computer Science</i>	3.1	Vanderbilt University <i>Computer Science</i>	1.8
Princeton University <i>Electrical Engineering &amp; Computer Science</i>	3.0	Iowa State University <i>Computer Science</i>	1.7
Brown University, <i>Computer Science</i>	2.9	Virginia University of <i>Applied Mathematics &amp; Computer Science</i>	1.7
Massachusetts, University of <i>Computer &amp; Information Sciences</i>	2.8	Connecticut, University of <i>Electrical Engineering &amp; Computer Science</i>	1.7
New York University, <i>Computer Science</i>	2.8	Iowa, University of, <i>Computer Science</i>	1.7
Utah, University of, <i>Computer Science</i>	2.8	Southern Methodist University <i>Computer Science &amp; Engineering</i>	1.6
Georgia Institute of Technology <i>Information &amp; Computer Science</i>	2.7	Washington State University <i>Computer Science</i>	1.5
Minnesota, University of <i>Computer Science</i>	2.7	Michigan State University <i>Computer Science</i>	1.5
North Carolina, University of <i>Computer Science</i>	2.7	Washington University <i>Computer Science</i>	1.4
Pennsylvania, University of <i>Computer &amp; Information Science</i>	2.7	Case Western Reserve University <i>Computer Engineering, Computing &amp; Information Science</i>	1.3
Rochester, University of <i>Computer Science</i>	2.7	Missouri, University of (Rolla) <i>Computer Science</i>	1.2
SUNY at Stony Brook <i>Computer Science</i>	2.7	Polytechnic Institute of New York <i>Electrical Engineering &amp; Computer Science</i>	1.2
California, University of (San Diego) <i>Electrical Engineering &amp; Computer Science</i>	2.6	Stevens Institute of Technology <i>Electrical Engineering &amp; Computer Science</i>	1.2
California Institute of Technology <i>Computer Science</i>	2.5	Texas A&M University <i>Industrial Engineering</i>	1.1
Columbia University, <i>Computer Science</i>	2.5	Kansas State University <i>Computer Science</i>	0.9
California, University of (Irvine) <i>Information &amp; Computer Science</i>	2.4	Oklahoma, University of <i>Electrical Engineering &amp; Computer Science</i>	0.8
Duke University, <i>Computer Science</i>	2.4	Michigan, University of <i>Computer &amp; Communication Sciences</i>	NA
Northwestern University <i>Electrical Engineering &amp; Computer Sciences</i>	2.1		

## Graduate Programs in Computer Science

**Table B. Ranked by Effectiveness in Educating Research Scholars**

Stanford University, <i>Computer Science</i>	2.8	California, University of (Irvine)	1.4
Massachusetts Institute of Technology		<i>Information &amp; Computer Science</i>	1.4
<i>Electrical Engineering &amp; Computer Science</i>	2.8	Rutgers University, <i>Computer Science</i>	1.4
Carnegie-Mellon University		Indiana University, <i>Computer Science</i>	1.3
<i>Computer Science</i>	2.7	Pennsylvania State University	
California, University of (Berkeley)		<i>Computer Sciences</i>	1.3
<i>Electrical Engineering &amp; Computer Sciences</i>	2.6	California, University of (San Diego)	
Cornell University <i>Computer Science</i>	2.5	<i>Electrical Engineering &amp; Computer Science</i>	1.2
Illinois, University of (Urbana)		Columbia University, <i>Computer Science</i>	1.2
<i>Computer Science</i>	2.3	Iowa State University	
California, University of (Los Angeles)		<i>Computer Science</i>	1.2
<i>Computer Science</i>	2.2	Pittsburgh, University of	
Yale University, <i>Computer Science</i>	2.1	<i>Computer Science</i>	1.2
Texas, University of (Austin)		Virginia, University of	
<i>Computer Sciences</i>	2.1	<i>Applied Mathematics &amp; Computer Science</i>	1.2
Washington, University of		California, University of (Santa Barbara)	
<i>Computer Sciences</i>	2.0	<i>Electrical &amp; Computer Engineering</i>	1.2
Maryland, University of (College Park)		Iowa, University of, <i>Computer Science</i>	1.1
<i>Computer Science</i>	1.9	Kansas, University of	
Wisconsin, University of (Madison)		<i>Computer Science</i>	1.1
<i>Computer Sciences</i>	1.9	Vanderbilt University	
Princeton University		<i>Computer Science</i>	1.1
<i>Electrical Engineering &amp; Computer Science</i>	1.9	Connecticut, University of	
Utah, University of, <i>Computer Science</i>	1.9	<i>Electrical Engineering &amp; Computer Science</i>	1.0
SUNY at Stony Brook		Washington University	
<i>Computer Science</i>	1.8	<i>Computer Science</i>	1.0
Southern California, University of		Southern Methodist University	
<i>Computer Science</i>	1.8	<i>Computer Science &amp; Engineering</i>	1.0
North Carolina, University of		Washington State University	
<i>Computer Science</i>	1.7	<i>Computer Science</i>	1.0
Pennsylvania, University of		Michigan State University	
<i>Computer &amp; Information Sciences</i>	1.8	<i>Computer Science</i>	0.9
Rochester, University of		Polytechnic Institute of New York	
<i>Computer Science</i>	1.7	<i>Electrical Engineering &amp; Computer Science</i>	0.9
Brown University, <i>Computer Science</i>	1.7	Stevens Institute of Technology	
New York University, <i>Computer Science</i>	1.7	<i>Electrical Engineering &amp; Computer Science</i>	0.9
Massachusetts University of		Missouri, University of (Rolla)	
<i>Computer &amp; Information Sciences</i>	1.7	<i>Computer Science</i>	0.8
Minnesota, University of		Case Western Reserve University	
<i>Computer Science</i>	1.6	<i>Computer Engineering, Computing &amp; Information Science</i>	0.8
Georgia Institute of Technology		Texas A&M University	
<i>Information &amp; Computer Science</i>	1.6	<i>Industrial Engineering</i>	0.7
Ohio State University		Kansas State University	
<i>Computer &amp; Information Science</i>	1.6	<i>Computer Science</i>	0.6
Rice University, <i>Mathematical Sciences</i>	1.6	Oklahoma, University of	
California Institute of Technology		<i>Electrical Engineering &amp; Computer Science</i>	0.3
<i>Computer Science</i>	1.5	Michigan, University of	
Duke University, <i>Computer Science</i>	1.5	<i>Computer &amp; Communications Sciences</i>	NA
Northwestern University			
<i>Electrical Engineering &amp; Computer Sciences</i>	1.5		
SUNY at Buffalo, <i>Computer Science</i>	1.4		
Arizona, University of			
<i>Computer Sciences</i>	1.4		
Syracuse University, <i>Computer Sciences</i>	1.4		

## Graduate Programs in Computer Science

Table C. Ranked by Improvement in Quality in Last Five Years

Georgia Institute of Technology <i>Information &amp; Computer Sciences</i>	1.8	California, University of (San Diego) <i>Electrical Engineering &amp; Computer Science</i>	1.1
Rochester, University of <i>Computer Science</i>	1.7	Cornell University, <i>Computer Science</i>	1.1
Washington, University of <i>Computer Sciences</i>	1.7	North Carolina, University of <i>Computer Science</i>	1.1
Columbia University, <i>Computer Science</i>	1.6	Ohio State University <i>Computer &amp; Information Science</i>	1.1
Indiana University, <i>Computer Science</i>	1.6	Pennsylvania, University of <i>Computer &amp; Information Science</i>	1.1
Vanderbilt University <i>Computer Science</i>	1.5	Yale University, <i>Computer Science</i>	1.1
Brown University, <i>Computer Science</i>	1.5	Stanford University, <i>Computer Science</i>	1.1
Rutgers University, <i>Computer Science</i>	1.4	Illinois, University of (Urbana) <i>Computer Science</i>	1.0
Arizona, University of <i>Computer Sciences</i>	1.3	New York University, <i>Computer Science</i>	1.0
California, University of (Berkeley) <i>Electrical Engineering &amp; Computer Sciences</i>	1.3	Stevens Institute of Technology <i>Electrical Engineering &amp; Computer Science</i>	1.0
California, University of (Los Angeles) <i>Computer Science</i>	1.3	Utah, University of, <i>Computer Science</i>	1.0
Southern California, University of <i>Computer Science</i>	1.3	Washington University <i>Computer Science</i>	1.0
Duke University, <i>Computer Science</i>	1.3	Iowa, University of, <i>Computer Science</i>	1.0
Wisconsin, University of (Madison) <i>Computer Sciences</i>	1.3	Texas A&M University <i>Industrial Engineering</i>	1.0
Massachusetts, University of <i>Computer &amp; Information Sciences</i>	1.3	SUNY at Buffalo, <i>Computer Science</i>	0.9
Illinois, University of (Austin) <i>Computer Sciences</i>	1.3	California, University of (Irvine) <i>Information &amp; Computer Science</i>	0.9
Virginia, University of <i>Applied Mathematics &amp; Computer Science</i>	1.3	Michigan State University <i>Computer Science</i>	0.9
Connecticut, University of <i>Electrical Engineering &amp; Computer Science</i>	1.2	Kansas State University <i>Computer Science</i>	0.9
Maryland, University of (College Park) <i>Computer Science</i>	1.2	Pittsburgh, University of <i>Computer Science</i>	0.9
Minnesota, University of <i>Computer Science</i>	1.2	California Institute of Technology <i>Computer Science</i>	0.8
SUNY at Stony Brook <i>Computer Science</i>	1.2	Kansas, University of <i>Computer Science</i>	0.8
Washington State University <i>Computer Science</i>	1.2	Southern Methodist University <i>Computer Science &amp; Engineering</i>	0.8
Iowa State University <i>Computer Science</i>	1.2	Polytechnic Institute of New York <i>Electrical Engineering &amp; Computer Science</i>	0.7
California, University of (Santa Barbara) <i>Electrical &amp; Computer Engineering</i>	1.1	Princeton University <i>Electrical Engineering &amp; Computer Science</i>	0.7
Carnegie-Mellon University <i>Computer Science</i>	1.1	Case Western Reserve University <i>Computer Engineering, Computing &amp; Information Science</i>	0.4
Massachusetts Institute of Technology <i>Electrical Engineering &amp; Computer Science</i>	1.1	Pennsylvania State University <i>Computer Sciences</i>	0.4
Missouri, University of (Rolla) <i>Computer Science</i>	1.1	Michigan, University of <i>Computer &amp; Communication Sciences</i>	NA
Northwestern University <i>Electrical Engineering &amp; Computer Sciences</i>	1.1	Oklahoma, University of <i>Electrical Engineering &amp; Computer Science</i>	NA
Rice University, <i>Mathematical Sciences</i>	1.1		
Syracuse University, <i>Computer Sciences</i>	1.1		

UNIVERSITY OF SAN FRANCISCO  
PREVENTION OF SEXUAL & OTHER UNLAWFUL HARASSMENT POLICY  
Effective February 7, 2006

**A. POLICY STATEMENT**

The University of San Francisco ("University") is committed to a workplace and educational environment that is free of sexual and other unlawful harassment. Sexual harassment is unlawful under Title IX of the 1972 Education Amendments, Title VII of the Civil Rights Act of 1964, and the California Fair Employment and Housing Act. As a matter of University policy, sexual or other unlawful harassment occurring in the course of any University activity is prohibited. This policy provides complaint procedures to assist the University in its efforts to implement this policy.

Harassment on the basis of race, religious creed, color, national origin, ancestry, disability, marital status, medical condition (cancer-related or genetic-related), sexual orientation, sex, age, or any other protected status under federal, state or local law, ordinance or regulation applicable to the University, is a violation of this policy.

Any such harassment of any individual in the course of any University-administered program, job or activity is prohibited and shall not be tolerated. The University shall take prompt and effective corrective action to address unlawful harassment, including, where appropriate, dismissal or expulsion. The policy explicitly applies to University students, faculty, staff, administrators, independent contractors and all other individuals engaged in University activities. Individuals who know of harassment, or believe that they have been harassed, in violation of this policy have access to the complaint procedures described below and are encouraged to utilize these complaint procedures.

**B. STATEMENT OF PROHIBITED CONDUCT**

**1. Sexual Harassment Violates State and Federal Law:**

Conduct in violation of this policy occurs when an individual's behavior involves (1) unwelcome sexual advances; (2) unwelcome requests for sexual favors; (3) other unwelcome verbal, physical, or visual behavior of a sexual nature; or (4) harassment or discrimination based on gender. Such conduct is a violation of this policy and of law when:

- Submission to such behavior is made explicitly or implicitly a term or condition of an individual's education or employment; or
- Submission to, or rejection of, such behavior by an individual is used as a basis for educational or employment decisions; or

- Such behavior otherwise has the purpose or effect of unreasonably interfering with, or otherwise creating an intimidating, hostile, or offensive educational or employment environment.

Title VII and Title IX of the Civil Rights Act of 1964; 29 CFR §1604.11(a).

## 2. Prohibited Behavior:

Harassing behavior may take a variety of forms including, but not limited to, the following:

- Verbal conduct such as epithets, derogatory comments, slurs, or unwelcome sexual advances, invitations, or comments;
- Visual conduct such as derogatory posters, photography, cartoons, drawings, or gestures;
- Physical conduct such as unwanted touching, blocking normal movement, or interfering with work;
- Threats and demands, such as those which seek submission to sexual requests, in order to retain employment or education benefits and/or offers of job or education benefits or conditions in return for sexual favors;
- Retaliation, in the form of adverse employment or educational actions, opposing, reporting or threatening to report harassment or for participating in a good faith investigation proceedings or hearings related to this policy;
- Harassing behavior includes conduct directed towards persons of the same or opposite sex.

## 3. Retaliation is Prohibited:

An individual's good-faith filing of or pursuing a complaint under this policy or otherwise reporting, complaining, assisting or cooperating in good faith with a complaint of harassment shall not be the basis for any adverse University decision regarding the student, employment or other status of any student, faculty member, staff member, administrator, independent contractor or other individual engaged in University activities. Such retaliation is forbidden by this policy.

## C. PROCEDURES FOR HARASSMENT COMPLAINTS

The University encourages students, faculty, staff, administrators, independent contractors and all other individuals engaged in University activities who know of harassment, or believe that they have been harassed in violation of this policy to utilize the complaint procedures described below. A complaint should be filed promptly if an instance of harassment has occurred or is expected to occur. **Unless good cause exists, complaints must be filed no later than one year after the harassment occurs.**

The complaint procedure is as follows:

**1. Reporting Harassment:**

Students, faculty, staff, administrators, independent contractors and all other individuals engaged in University activities are encouraged to report any conduct of which they have direct knowledge and which they in good faith believe constitutes harassment in violation of this policy. Managers have a legal duty to report any conduct of which they have direct knowledge, and which they in good faith believe constitutes harassment in violation of this policy.

**2. Intake Procedure:**

(a) Students, faculty, staff, administrators, independent contractors and all other individuals engaged in University activities who have a harassment complaint are encouraged to contact a University intake officer as soon as possible after the act of harassment has occurred. Delay in initiating a complaint impedes the University's ability to remedy unlawful harassment.

(b) The individual making the complaint ("complainant") may contact one of the following intake offices, each of which has a designated and trained University member to receive such complaints and to initiate actions under this procedure:

- Dean of Students; University Center, Room 405; Felicia Lee, Dean of Students, 415-422-6251. **For faculty and staff only.**
- Residence Life; Phelan Hall, Room 140; Ray Quirolgico, Director, 415-422-6824.
- Learning Center; Cowell Hall, Room 227; Charlene Lobo Soriano, Director, 415-422-6841.
- Human Resources; Champion Hall, Room C-7; Elsie Tamayo, University Affirmative Action Officer, 415-422-6707.

Should a complainant choose not to file a complaint using one of the intake options set forth above, she/he may bring the matter to the attention of any appropriate administrator or designee. University officials are empowered and required to address harassing behavior promptly and thoroughly. A complainant may always directly contact her/his department head or supervisor, or the University's Affirmative Action Officer. If the harassing behavior involves the department head or supervisor, a complainant may contact the next level supervisor. As soon as the complainant contacts the department head or supervisor directly, the department head or supervisor shall immediately notify the University's Affirmative Action Officer.

(c) During intake, complainants shall be informed of both the informal and formal complaint procedure options.

**3. Informal Complaint Procedure:**

- The complainant may initially meet with the appropriate Dean, department head or supervisor, or if the complainant is a student complaining of conduct that is not within an employment context, with the Vice President for University Life. The Vice President shall immediately notify the University Affirmative Action Officer; or
- The complainant may initially meet with the person whose conduct is complained of (“accused”), with the intake officer present to assist in the discussion; or
- The complainant may request that the intake officer initially meet with the accused.

Informal options may always be pursued as a first step. The intake officer and/or Affirmative Action Officer shall be available to meet with the individuals involved jointly or separately, and seek to find a resolution that is acceptable, provided the University concludes that such resolution is likely to provide prompt and effective corrective action. Any such proposed resolution at the informal complaint stage must be presented to the Affirmative Action Officer for review. All efforts to resolve complaints informally should be made promptly and within 30 working days of receipt of the complaint.

If an acceptable resolution is not reached, or is not likely to be reached, within 30 working days or otherwise in a manner necessary to promptly and effectively correct harassment, the complainant or the Affirmative Action Officer may determine to resolve the matter through the formal complaint procedure, or the University may take immediate action it deems necessary to ensure prompt and effective corrective action.

**4. Formal Complaint Procedure:**

At the time of intake or thereafter, the complainant may file a written complaint with the Office of the Associate Vice President for Human Resources (“AVP”). The AVP shall promptly provide written notice of the complaint to the applicable Dean, department head and/or supervisor, and the applicable Vice President for the accused. A copy of such written notice shall also be provided to the accused.

The complainant should ordinarily include details of the incident(s), the name(s) of the person(s) alleged to have engaged in the conduct complained of, the names of any witnesses, and all relevant documents.

- **Investigation**

All complaints shall be investigated by the Affirmative Action Officer, other trained University personnel and/or a retained independent investigator. The



investigator shall expeditiously investigate the matter in accordance with all applicable state and federal law. The investigator shall interview the complainant, the accused and such other students, faculty, staff, administrators, independent contractors and all other individuals engaged in University activities as necessary to conduct a full and fair investigation. The investigator shall then prepare a written report to the AVP. Where the University has previously reviewed the conduct at issue in another forum, the AVP may elect to consider the prior review before, in conjunction with, or in lieu of a separate investigation under this policy.

The written report of investigation shall summarize information relevant to a determination of whether a violation of this policy occurred and/or what, if any, corrective action should be taken by the University. The AVP shall promptly transmit the report to the appropriate University officer, with any recommendations. If the complaint concerned behavior by or affecting student or behavior between or among students, the report shall be forwarded to the Vice President for University Life. The written report of investigation shall be confidential.

- **Confidentiality**

Every reasonable effort shall be made to protect the privacy of the complainant, the accused, and witnesses in the investigation and resolution process, subject to the need to conduct a full and impartial investigation, remedy violations, monitor compliance and administer this policy.

- **Determination**

The appropriate University officer, in consultation with the AVP shall promptly make a determination of the complaint. The determination shall be communicated to the complainant, the accused, and the applicable Vice President for the accused.

**5. Independent Action by University:**

To assist the University to determine whether a violation of this policy has occurred and/or to determine what, if any, corrective action should be taken, the AVP or his designee may initiate an investigation with or without a formal complaint being filed.

**6. Corrective Action:**

Corrective action may include disciplinary action toward the person(s) whose conduct is found to violate this policy. Disciplinary action may include, but is not



limited to warning, suspension, or termination from employment, the University's residential facilities, or other affiliation with the University. Disciplinary action, including expulsion, and/or any other corrective action shall be implemented in a manner consistent with other University policies and procedures and applicable University collective bargaining agreements.

Other forms of corrective action may be taken to the extent necessary to correct or prevent violations of this policy.

**7. Appeal Procedure:**

A person whose conduct is found to violate this policy may appeal a University determination of discipline of the complaint under the applicable student handbook, collective bargaining agreement, or employee handbook.

**D. RESOURCES**

**Within the University**

The Affirmative Action Officer is Elsie Tamayo, 415-422-6707, Campion Hall, Room C-7. Contact the Affirmative Action Officer if you have questions or would like more information about this policy.

**Outside the University**

Members of the University may file a timely harassment complaint with the federal Equal Employment Opportunity Commission (EEOC), the federal Office of Civil Rights (OCR), and/or the California Department of Fair Employment and Housing (DFEH) at the addresses and phone numbers listed below:

EEOC: 901 Market Street, Suite 50  
San Francisco, CA 94103  
415-356-5100

OCR: 50 United Nations Plaza, Room 239  
San Francisco, CA 94102  
1-800-514-0301

DFEH: 455 Golden Gate Avenue, Suite 760  
San Francisco, CA 94102-7008  
1-800-884-1684

Report of Race-based Discrimination and Harassment  
Submitted to the Associate Vice President for Human Resources,  
University of San Francisco

May 15, 2006

John Kao, PhD  
Associate Professor  
Mathematics Department  
University of San Francisco

May 15, 2006

Terry Stoner  
Associate Vice President for Human Resources  
University of San Francisco, LM 339  
2130 Fulton Street  
San Francisco, CA 94117-1080

Dear Vice President Stoner,

I am writing to file a Formal Complaint as provided for by the USF Prevention of Sexual and Other Unlawful Harassment Policy (PSOUHP), effective February 7, 2006. This is in sequel to the Informal Complaint which I filed on January 26, 2006, with Elsie Tamayo, Manager, Professional Development/Affirmative Action, Human Resources. On February 27, Ms. Tamayo notified me that the University had concluded the scope of my complaint exceeded parameters of the Informal process—a Formal Complaint was warranted. This was also my impression as articulated to Ms. Tamyao, January 26; nonetheless, I found our meeting useful and informative. I am writing in the capacity of Associate Professor of Mathematics. I am an Asian American male that, since my appointment as Assistant Professor in 1991, has been an outspoken advocate for implementation of USF Affirmative Action/Equal Employment Opportunity Policy within the Mathematics Department.

The written complaint accompanying this correspondence takes the form

*Report of Race-based Discrimination and Harassment  
Submitted to the Associate Vice President for Human Resources,  
University of San Francisco.*

It contains three parts: Summary, Complaint, and Source Documents. The latter is included in accordance with PSOUHP guidelines: provide copies of all relevant documents. Please note, however, that significant excerpts from source material are reproduced in Summary and Complaint (for critical instances, complete documents have been inserted within these sections). I have also sent by email an electronic version (PDF file) of the Summary and Complaint to Ms. Tamayo.

I have given careful consideration to this administrative matter. The principal subject of my complaint, Tristan Needham, Professor of Mathematics, served as

Associate Dean of Sciences  
Spring 1999 - Spring 2004.

In such capacity, he was my direct supervisor. During the above period, the threat of retaliation was too great to pursue action as specified by PSOUHP.

My research into past activities began in earnest August 2005, and was in response to Tristan Needham's return to the Mathematics Department the same month (he was on sabbatical leave academic year 2004-05). This inquiry led to the discovery of several items address in my Formal Complaint, although they took place some time prior. Further discrimination/harassment occurred during the current academic year. The most recent is referred to in my report as

- Appointment of Strictly Unqualified Candidate over Two Qualified Candidates both Having Diversity Status, appointment made February 16, 2006; subsequent to filing of Informal Complaint, January 26; discovered March 1.

This concluded a search for a tenure-track position in Mathematics; Prof. Needham was Chair of the Search Committee. It is the official prompt of my Formal Complaint, and is another instance of actions that serve to isolate me politically within my department. It is also a manifest violation of USF Affirmative Action/Equal Employment Opportunity Policy as expressed in the College of Arts and Sciences Search Procedures.

During my Informal Complaint meeting on January 26, Ms. Tamayo indicated that I may be represented by an attorney during the investigative phase (interviews, etc.). I wish to exercise this option; my attorney is Christopher W. Katzenbach (law firm of Katzenbach and Khitikian).

Thank you for your attention in this matter. I hope that the issues presented in my report can be resolved within the Formal Complaint process. Please feel free to contact me if you have any questions or concerns (USF Mathematics Department office HR 219, telephone ext. 6760, email [kao@usfca.edu](mailto:kao@usfca.edu)).

Sincerely,

John Kao  
Associate Professor  
Mathematics Department  
USF

cc: Elsie Tamayo, Manager, Professional Development/Affirmative Action, USF

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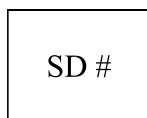
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## Introduction

I will refer to this document as *Report of Discrimination*. The objectives are

- submit Formal Complaint of race-based discrimination and harassment as provided by the USF Prevention of Sexual and Other Unlawful Harassment Policy, effective February 7, 2006;
- expedite investigation of matters therein.

To such end, this record is as brief as possible while including clear substantiating evidence. I have reproduced excerpts from source material (cited in footnotes) and replicated such, in the Source Document Appendix (abbreviated SD). These sources include letters, email correspondences, and administrative documents (in some instances, only select pages are included in SD Appendix). To certify authenticity, I have retained original copies. These were identified by removable tags and labeled duplicates created. These tags take the form



where the number enables page reference to source documents. In no case does the tag obscure text in the original. Necessarily, I have also cited verbal communications. These are referred to as “interpersonal” when the conversation was face-to-face and “telephone” as appropriate. The Investigator can forego careful reading of the SD Appendix—it is meant for reference and also to verify that quotations have not been taken out of context.

As customary in an academic institution, time periods are articulated by academic term: Fall and Spring (semesters) with Summer as break (full-time faculty at USF are not required to be in residence between semesters).

*Report of Discrimination* adopts Standard American usage and spelling. For example, “Prof.” before a surname abbreviates “Professor.” (In some prior communications cited, I used an European abbreviation “Pr.” and sometimes British spelling—reflecting close correspondence with my European mathematics colleagues at the time.) The one significant exception is the writing of “Full Professor” in place of the academic rank of “Professor.” The former is common in spoken English and is the clearer equivalent of the latter. Academic ranks (as semesters—see above) will be capitalized in this document, although USF convention varies. Note that faculty employment for the College of Arts and Sciences in the ranks of Instructor, Assistant Professor, Associate Professor and Full Professor is governed by the faculty union, USF Faculty Association (USFFA). Employment within the union structure is legally bound by the USFFA *Collective Bargaining Agreement (CBA)*.<sup>1</sup>

*Report of Discrimination* concerns activities within the administrative unit

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<sup>1</sup> For specific scope of the USFFA, see for instance, *CBA Effective March 18, 2002 - June 30, 2007*: pg. 10 [SD 104].

Mathematics Department and Computer Science Department  
College of Arts and Sciences, USF.

I will use the abbreviations Math and CS accordingly, writing Math/CS for both departments collectively.

Discriminatory conduct was classified according to:

- explicit discrimination
- implicit discrimination.

Explicit Discrimination refers to overt action involving both discrimination/harassment and strict violations of USF administrative policy; in some instances, these were also violations of U.S. civil law beyond antidiscrimination legislation as applied to employment (Civil Rights Act of 1964 and Americans with Disabilities Act of 1990). Implicit Discrimination refers to conduct which, though equally damaging to myself and the institutional integrity of USF, did not explicitly violate University procedures.

Acts of discrimination/harassment, along with background information are summarized. Each item (numbered in left margin: 1-10) corresponds to a separate section of *Report of Discrimination (Complaint)* in sequel to Summary. These sections provide substantiating evidence and refer in turn to the SD Appendix. The items addressed are listed in chronological order below.

Action/Incident	Time Frame
Appointment without Search in On-going Violation of Collective Bargaining Agreement	announced Spring 2000, appointment occurring in 2001, <i>CBA Violation is current</i>
Libel, Forgery of Evidence and Defamation of Character	Spring 2000
Forced Leave of Absence in Violation of Americans with Disabilities Act	Spring 2002
Appointment with Special Privileges	Fall 2002 - present, <i>discovered Fall 2005</i>
Appointment in Violation of Search Procedures	Spring 2004, <i>discovered Fall 2005</i>
Maladministration: DDTP Single Subject Accreditation	<i>Spring 2004 - Spring 2006</i>
Destruction of Personnel Documents	<i>discovered Spring 2006</i>
Appointment of Strictly Unqualified Candidate over Two Qualified Candidates both Having Diversity Status	<i>Spring 2006</i>
Implicit Discrimination: Math/CS Demographics	developed Fall 1991 - Spring 2006, <i>current</i>
Implicit Discrimination: Dual-appointment Demographics	developed Fall 1991 - Spring 2006, <i>current</i>

Italics in the above table highlight items which either apply to the current semester (Spring 2006), or were discovered during the 2005-06 academic year.

The official prompt for *Report of Discrimination* corresponding to a Formal Complaint, USF Prevention of Sexual and Other Unlawful Harassment Policy, is taken as

- Appointment of Strictly Unqualified Candidate over Two Qualified Candidates both Having Diversity Status, appointment made February 16, 2006; subsequent to filing of Informal Complaint, January 26; discovered March 1.

### **Summary: Background Information**

This section summarizes background information for *Report of Discrimination*. Some nomenclature specific to the College of Arts and Sciences, also Math/CS, will be clarified carefully in the Complaint section. (Note to the Investigator: duplication of information between Summary and Complaint sections has been avoided for brevity—please read both.)

*Report of Discrimination* will demonstrate that two Math faculty, Tristan Needham and Stanley Nel, during the period,

Fall 1991 - Spring 2006,

took actions which created and fostered a “Culture of Discrimination” within a coherent administrative unit at USF: Math/CS. These departments are explicitly connected through a preponderance of dual-appointment faculty (full decision makers in both departments). By Culture of Discrimination, I include specific acts of discrimination/harassment directed at myself, an Asian American male (the only regular faculty in Math/CS belonging to an ethnic minority group during the above time frame). I also include the cultivation of a “good-old-boy network” in the sense documented in the academic literature for politics of race.<sup>2</sup> Profs. Needham and Nel have held senior executive positions during this period:<sup>3</sup>

Stanley Nel	Dean of College of Arts and Sciences 1990 - Spring 2003
	Vice President of International Relations Fall 2003 - present
Tristan Needham	Associate Dean of Sciences Spring 1999 - Spring 2004.

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<sup>2</sup> Taylor, B. R. (1991). *Affirmative Action at Work: Law, Politics and Ethics*. University of Pittsburgh Press. Pittsburg; pg. 5-6.

<sup>3</sup> In some cases dates taken from source documents are ambiguous. The beginning of Stanley Nel’s tenure as Dean is taken from his Biographical Sketch published on [www.usfca.edu](http://www.usfca.edu).



They have concurrently held faculty appointments in Math. USF administrators, who are also faculty, retain the right to return to regular teaching at the end of their administrative tenure. Prof. Needham exercised this right as of Fall 2004. Both men are White and non-Hispanic, and I believe, have profited from the Culture of Discrimination within their home department.

I began employment as an Assistant Professor of Math in Fall 1991. Since that time, I have stood out within Math/CS on account of

- my race,
- my cultural background,
- my political stance relative to these and as pertains to university governance.

With respect to the latter, it has been my consistent position that:

- When USF represents itself as an Affirmative Action/Equal Opportunity Employer to the public including accrediting agencies such as the Western Association of Schools and Colleges (WASC), and has established university policy and has published mission statements to this effect, the Math and CS departments have the obligation to implement these both in letter and in spirit.

*Report of Discrimination* will prove that the Math and CS departments have done neither during Fall 1991 - Spring 2006. I believe that being consistently outspoken on this issue has made me an explicit target of discrimination/harassment.

To provide context, I will summarize my academic background and describe the professional environment in Math/CS, during my tenure at USF.

I was born to Shih Kung Kao and Yasuko Watanabe Kao in Salt Lake City, Utah, on August 30, 1967. My ethnic background is Chinese and Japanese; both my parents were immigrants, naturalized U.S. Citizens. At the age of 13, my father died unexpectedly, leaving my mother to raise myself and my younger sister entirely on her own and under exceptional financial duress. I was always a strong student, but my father's death raised the stakes on my academic pursuits. At that time, educators in the state of Utah encouraged rapid advancement of grade as a program for "gifted youth." I used this opportunity both to honor my father and, with the availability of financial aid (scholarships), to relieve the financial burden on my mother. This deep felt obligation to support my family, reflected my cultural background. In the monograph, *Being Chinese Voices from the Diaspora*, Wei Djao writes,

... it is with regard to Chinese values that most narrators structure the cultural dimension of their identity. They perceive themselves to be culturally Chinese because they feel that certain Chinese values still influence their thinking or conduct, or are still meaningful to them. The values mentioned by the narrators are emphasized in other cultures as well, but the Chinese people seem to take them to a much higher level.

First and foremost is *xiao*. It is a Chinese concept that has no direct translation in English, requiring, therefore, two words to describe it: filial piety or filial devotion. It expresses the love, respect, obedience, solicitude, devotion, care, and utter sense of duty of the children toward the parents, with the implicit understanding that the children will look after the parents in their old age. It is the bond that ties the children to their parents, in return for the care, guidance, and devotion and, above all, life itself that the parents have bestowed on the children.

Xiao seems to be a fundamental value held by the narrators. Yeoh rates it as the essence of Chinese culture.<sup>4</sup>

I enrolled as a full-time student at the University of Utah at the age of 15, graduating magna cum laude as a mathematics major at the age of 17. My tuition was covered by University of Utah President's Scholarship and Honors at Entrance Scholarship. I also was also employed part-time at the university library and physics department.

Spring 1985, I was admitted to the PhD Program in Applied and Computational Mathematics, a division of the Mathematics Department, at Princeton University (ranked the top American mathematics department by the National Research Council between the years 1982 and 1993).<sup>5</sup> My doctoral work was fully supported by a National Science Foundation Graduate Fellowship. At Princeton, I engaged concurrently in scientific achievement and humane endeavor. I served as Graduate Student Representative for the Asian American Student Union and President of the Judo Club. Academic year 1990-91, I held a postdoctoral position at the University of North Carolina, Charlotte, prior to my appointment at USF in 1991. I was 23 years old at the date of my hire as a tenure-track Assistant Professor.

In my early years of employment at USF, Prof. Milliane Lehmann (retired Spring 2004), supported me within Mathematics. As a Jesuit University, USF emphasized teaching over research, and I quickly established an exceptional reputation as a teacher, being recognized as earning the highest teaching evaluations among all probationary faculty in the College of Arts and Sciences (academic year 1991-92) during our ten-year Program Review.<sup>6</sup> However, I noticed my other USF mathematics colleagues treated me differently than similar probationary faculty: not taking my advisement seriously on administrative matters, consulting me on research problems but not supporting me in off-campus professional activities, and attempting to form collaborations on an authoritarian basis (as opposed to genuine professional partnerships).

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<sup>4</sup> Djao, W. (2003). *Being Chinese: Voices from the Diaspora*. The University of Arizona Press. Tuscon: pg. 203.

<sup>5</sup> Rung, D. C. (1983). Newest Ratings of Graduate Programs in Mathematics. *Notices of the American Mathematical Society*. Vol. 30, No. 3, pg. 257-567 [SD 198 - SD 209]. Also, Goldberger, M. L., Maher, B. A. and Flattau, P. E., eds. (1995). *Research-Doctorate Programs in the United States: Continuity and Change*. National Academy Press. Washington, D.C: pg. 332-337 [SD 210 - SD 223].

<sup>6</sup> *University of San Francisco College of Arts and Sciences Department of Mathematics Self-Study and Preliminary Development Plan October 1993* (departmental report in preparation for program review by external panel taking place once every ten years): pg. 3 [SD 162 - SD 165].

I participated in university administration, serving: on the Multicultural Action Plan Committee appointed by President John Schlegel, S.J. (Fall 1991 - Spring 1992), as faculty advisor to the Asian-Pacific Islander Student Union (Fall 1993 - Spring 1995), and on the committee which developed and implemented the Ethnic Studies Certificate Program (Fall 1994 - Spring 1995).

I achieved tenure and promotion to Associate Professor (effective Fall 1997). The University Peer Review Committee voted as follows:<sup>7</sup>

- Research: Superior 12, Adequate 0, Inadequate 0, Abstain 0
- Teaching: Superior 12, Adequate 0, Inadequate 0, Abstain 0
- Service: Superior 11, Adequate 1, Inadequate 0, Abstain 0.

I subsequently spent a sabbatical (academic year 1998-99) conducting research and teaching at the School of Engineering, Princeton University. My teaching was superlative as exhibited in the *Princeton University Student Course Guide* (online document):

Fundamentals of Engineering Statistics. Doesn't the title of the course just scream "excitement!"

The truth is, I am taking CIV 245 because it is required for my major, and that, I suspect, is why almost everyone takes the course. I heard horror stories about the difficulty and grading of the class before I took it myself, and I have been pleasantly surprised. The professor, John Kao, has been excellent. He makes himself very easily accessible to any student who asks for attention; he clearly knows a great deal about the subject matter; and his teaching style is enjoyable. He uses real world examples to teach the concepts behind the math, and in using these examples, you can almost find yourself learning without even realizing it.

That is not to say you can get away without doing any work. There are weekly problem sets, and although they do not count significantly toward the course grade, they must be done in order to learn the material well enough to score decently on exams. The book, from which all the problems sets are taken, is relatively readable (for a statistics book) and includes plenty of examples. ...

While I don't believe I would have taken this class if it were not required, I have found it to be one class that I don't mind attending three days a week. I should also say that I'm not sure if Professor Kao will be teaching the course again, as I believe he is visiting only for the year. All in all, I have been pleasantly surprised.<sup>8</sup>

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<sup>7</sup> Letters from Daniel Kendall, S.J. (Chair, University Peer Review Committee), to John Kao, both dated February 4, 1997 [SD 75 - SD 76].

<sup>8</sup> *Princeton University Student Course Guide* (from Fall 1999) published on [www.princeton.edu](http://www.princeton.edu) [SD 84 - SD 85].

I remark that this teaching was closely supervised by regular faculty in the Civil Engineering and Operations Research Department: Rene Carmona, also Erhan Çinlar, Chair. The latter personally approved my final examination prior to its administration and the final grades for the above course.

I currently serve as Associate Editor for the journal, *Advances and Applications in Statistics* (Spring 2002 - present). I am listed in *Marquis Who's Who (America 2004, World 2006)*. My research record was acknowledged by external reviewers in Spring 2004 (the cited section is titled "Quality of the Department: Faculty"):

Faculty have engaged in scholarship encompassing original research, scholarly monographs, software development, and curriculum development. For example, Tristan Needham and Paul Zeitz have received awards for their work, John Kao and Peter Pacheco maintain active research programs, and John Stillwell has been a frequent invited speaker at national and international meetings. The faculty are also creative in seeking approaches to teaching that enhance student learning in both major and service courses: Milliane [sic] Lehmann has been a leading light behind the department's introduction of technology into teaching, and with Paul Zeitz has written a text for the Excel-based business mathematics course.<sup>9</sup>

During the period Fall 1991 - Spring 2006, the only regular faculty in Math/CS with diversity status were

- John Kao (Asian male)
- Milliane Lehmann (White non-Hispanic female).

That together, we endeavored to promote multiculturalism and diversity at USF is documented in the following from *Subject Matter Program in Mathematics* (for the Single Subject Teaching Credential) submitted to the California Commission on Teacher Credentialing (approval granted in March 1995). The text addresses, Standard 15: Equity and Diversity in the Program.

USF has a diverse student population consisting of approximately 30% American minority students, and 12% international students (1993 enrollment statistics). Overall, 60% of the students at USF are women. The composition of mathematics faculty is reflective of the need to serve this diverse student population. Millianne Lehmann, Professor and Chair, has been active in addressing the needs of women students which account for an exceptional 50% of mathematics majors. Of the American minorities at USF the largest group is Asian (approximately 15% of the overall student population) which is reflective both of the high local Asian American population (28% in San Francisco) and of the large, predominantly Catholic, Filipino American

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<sup>9</sup> *Report of the Visiting Committee to the Department of Mathematics at the University of San Francisco, May 27, 2004* (program review by external panel taking place once every ten years): pg 2 [SD 157]

community in the Bay Area. John Kao, Assistant Professor, has been actively involved in the Asian American community for a number of years.

Both Professors Lehmann and Kao have been active on campus in addressing the needs of the diverse student population at USF. Millianne Lehmann has recently served as Chair of the university wide Faculty Diversity Committee and has served on committees related to issues of women on campus. John Kao has served on the Multicultural Action Plan committee appointed by the President of the university and is currently serving as faculty advisor to the Asian Pacific Islander Student Union.<sup>10</sup>

During the 1990's, diversity issues were prominent at USF. This was reflective of standards implemented in sequel to the WASC accreditation review which concluded in 1991. The following is from the Fall 1991 (submitted August 15, 1991), USF Report to WASC.

Since the 1988 visit, WASC has mandated that all visits include a review of two additional areas: diversity and assessment issues. Diversity issues are discussed in this chapter, with Assessment following in Chapter VII. In its letter to Accreditation Liaison Officers dated February 11, 1991, the Commission requested that the content of the University's Institutional Report regarding diversity include its major activities to promote student, faculty and staff diversity (Standards 1.B, 5.B and 5.D) and its appreciation of cultural diversity in the curriculum (Standard 4.B).<sup>11</sup>

Further,

At the University level, the Strategic Plan has identified a series of activities addressing goals established to promote multiculturalism at USF. These goals relate to ethnic and gender diversity of the faculty and staff and the increased diversity of the student body through recruitment and increased student support services. One strategy to promote multiculturalism is to give the "highest priority to the hiring of qualified ethnic minority faculty and staff in all schools and colleges and divisions of the University."<sup>12</sup>

Also,

New affirmative-action guidelines have been introduced into the process of recruitment and employment of faculty. Faculty searches now provide for

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<sup>10</sup> *Subject Matter Program in Mathematics Submitted By The Department of Mathematics, University of San Francisco*. Approved by CCTC, March 1995: pg. 47 [SD 168].

<sup>11</sup> *Report to the Accrediting Commission for Senior Colleges and Universities Western Association of Schools and Colleges In Support of the Special Visit to the University of San Francisco Fall 1991, Submitted August 15, 1991*. Vol. I: pg. 75 [SD 130].

<sup>12</sup> *Ibid*: pg. 77 [SD 132].

special efforts to bring minority candidates into the vacancy pool. New efforts are being made to announce vacancies in publications which are more likely to provide minority candidates; a minority faculty member from USF makes an annual recruitment visit to schools which might provide minority candidates. A special consultant was engaged to help in designing this new recruitment procedure.<sup>13</sup>

Finally,

Efforts this year, as estimated as of this date, indicate the University anticipates the appointment of six additional minority instructors (3 Black, 1 Hispanic, 2 Asians) to the full-time faculty.<sup>14</sup>

Based on the date of my hire (Spring 1991), I conclude I was one of the two Asians reported above, to WASC in the context of the 1991 Accreditation Review.

### **Summary: Explicit Discrimination**

Prof. Lehmann retired in Spring 2004 and was politically inactive in the years immediately prior. In conjunction, Tristan Needham was appointed Associate Dean of Sciences in Fall 1998; also, I returned from a sabbatical leave at Princeton University (during academic year 1998-99). These circumstances contributed to explicit acts of discrimination and harassment during the period

Fall 2000 - Spring 2006.

These are as follows.

- 1) In violation of USF affirmative action/equal opportunity policy, Deans Needham and Nel created a category of faculty appointment (Full Professorship requiring only one semester per year of teaching duties) for which no provision exists in the USFFA *CBA*. Thereafter, Dean Needham hired an acquaintance (John Stillwell) into this position *with tenure* (appointment in 2001, first semester teaching—Fall 2002). This appointment automatically advances to the highest salary scale attainable by faculty at USF and is irrevocable. *No search was conducted for this appointment, nor was there any substantive Math faculty consultation.* The decision for appointment was announced as a *fait accompli*, to our department, by Deans Nel and Needham on October 10, 2000. John Stillwell's curriculum vitae was not provided at that time. I only received a copy of such in the context of our 2004 Math Program Review.

*College of Arts and Sciences Chronological Procedures for Hiring Probationary and Term Faculty*, in effect since 2000 and comprising current implementation of *Faculty Recruitment Procedures* established in 1991, mandate a formal search for all tenured/tenure-

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<sup>13</sup> Ibid: pg. 79 [SD 134].

<sup>14</sup> Ibid: pg. 80 [SD 135].

- (Z1) Letter from Paul Zeitz to Tristan Needham, dated November 10—cc'ed to Dean Nel. This was the Math Department Chair's report of events in response to Dean Needham's letter of reprimand. Paul Zeitz, in the Math Department meeting held November 14 and as documented in the Minutes, forbade me from distributing this letter to colleagues. Although the letter definitively absolved me of liability, Paul Zeitz insisted it was a confidential correspondence.<sup>36</sup>
- (K2) Letter from John Kao to Stanley Nel, dated December 22. This was a letter thanking Dean Nel for the Grievance Meeting. It contained a partial copy of Dean Needham's letter of reprimand (attached for reference) as well as email correspondences which directly preceded the Grievance meeting.

Of these documents, *the only ones which have not been deleted from my Personnel Records are M1 and K2*. Documents which were removed included M2—*my CCAC teaching evaluations and a laudatory letter of assessment from John Loomis*. This destruction of documents is manifestly discriminatory. In particular,

- The documents which show Dean Needham forged evidence have been removed.
- The documents which show I conducted a superlative launch of the CCAC/USF Math program have been removed.
- The documents which explain in detail my just cause for filing a Grievance have been removed.
- The documents which definitively absolve me of liability in the matter of interruption (and eventual failure) of the CCAC/USF Math program have been removed.

I emphasize the patent discrimination involved. *No consistent policy of document retention/removal* can explain the retention of documents that might, by themselves, be damaging to my professional reputation; and the removal of those documents which are laudatory; in regards to CCAC.

I will refer to this matter as “Destruction of Personnel Documents.”

- 7) In preparation for filing the Complaint–Informal Step, described above, I notified Dean Jennifer Turpin and Associate Dean Brandon Brown of my intent to file in a memo delivered personally on January 11, 2006.<sup>37</sup> This memo listed the discriminatory actions 1 - 5 (though excluding Destruction of Personnel Documents which was discovered on January 10), especially the two search violations. One purpose of this memo was to influence the on-going search for a Math appointment at the Assistant Professor level.

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<sup>36</sup> Minutes of the Math Department Meeting on November 14, 2000 [SD 360 - SD 362].

<sup>37</sup> Memo from John Kao to Elsie Tamayo, cc'ed to Jennifer Turpin and Brandon Brown, dated January 10, 2006 [SD 352 - SD 353]. Also, Email from John Kao to Elsie Tamayo, cc'ed to Jennifer Turpin and Brandon Brown, dated January 11 [SD 351].



The Search Committee was chaired by Prof. Needham. Finalists were chosen by this committee on January 17. The diversity profile of the finalist pool is evidence of the influence of my memo:

- two Asian males
- one White non-Hispanic female.

Compare this to the profile in Spring 2004 (which concluded with the appointment of Stephen Devlin):

- one Hispanic male,
- one White non-Hispanic female
- two White non-Hispanic males.

In this latest search, the following steps of the College Search Procedures were conducted: The First Meeting of the Search Committee and the Department (January 20) and The Second Meeting of the Search Committee with the Department (February 16). During the latter, after on-campus interviews, it was announced that the search Committee had made a preliminary decision: only one candidate was viable (meaning the other two would not be offered the position should this one candidate decline an offer)—Stephen Yeung.<sup>38</sup> The department’s opinion on the preliminary decision was solicited. I advocated for the female candidate, Erin McNicholas, as first choice. This position was defeated in a vote of one to six. I further advocated for the viability of all other candidates in the instance Stephen Yeung declined the offer. This position was defeated in a vote of two to five in the case of Erin McNicholas and again one to six in the case of Pisheng Ding. The final decision was transmitted to the Dean’s Office. An offer was forwarded to Stephen Yeung, who accepted this appointment.

In reaction to the startling conclusion of the search, I scrutinized the curriculum vitae of Stephen Yeung and conducted research on particular elements therein. Note that according to College Search Procedures, only the Search Committee—I was not a member of this committee due to my current sabbatical leave—has access to candidate files (to which, for this position as advertised, “Candidates should submit a letter of application, curriculum vitae, statement of teaching philosophy and research plans, copies/scans of complete teaching evaluations and recent syllabi, graduate transcripts, and three letters of recommendation.”)<sup>39</sup> I have since concluded, definitively, that *Stephen Yeung is not a mathematician (defined as having earned a doctorate in mathematics)*. This is in spite of the job description (as approved by the Math department and subsequently published in the employment advertisement): “The successful candidate should have university teaching experience and an earned doctorate in mathematics by fall 2006.”<sup>40</sup> Stephen Yeung’s earned doctorate from Cornell University is in “theoretical

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<sup>38</sup> Minutes of Math Department Meeting held February 16, 2006 [SD 369].

<sup>39</sup> Classified advertisement. *Notices of the American Mathematical Society*. October 2005: pg. 1095 [SD 238]. Also, USF Math Department internet advertisement published on [www.usfca.edu](http://www.usfca.edu) [SD 347 - SD 350].

<sup>40</sup> Ibid.

and applied mechanics.” Mechanics, in the American academic system, is considered a branch of physics. This would be consistent with Stephen Yeung’s bachelor’s degree (major in physics, minor in mathematics). *He has not even earned an undergraduate degree in mathematics.*<sup>41</sup>

Careful examination of his publications during the past seven years (he graduated from Cornell in 1999) reveals that *he has not published a single research article in a mathematics journal*. He has published three research articles in physics journals and two research articles in a multi-subject journal under the subject category, genetics (he was a Research Associate at the Department of Biomedical Engineering and Center for BioDynamics, Boston University, for four years after graduation). I suspect the motive for this appointment is the ease with which he might be denied tenure (on the basis of having misrepresented his credentials to the Math department). *This essential fact (present, but obscured, on his curriculum vitae) was not disclosed to the Math department by the Search Committee at any time.*

All communications I have access to at this time, indicate that no new regular faculty appointments in Math/CS are expected until retirements occur.

I will refer to this matter as “Appointment of Strictly Unqualified Candidate over Two Qualified Candidates both Having Diversity Status.”

### **Summary: Implicit Discrimination**

In addition to the above explicit acts of discrimination, I will describe implicit acts of discrimination. They are identified as such because they do not explicitly involve a violation of civil law nor a direct violation of University policy; however, the long term implications to the institution are severe. These are as follows.

- 8) In Fall 1991, at the beginning of my employment, the Math and CS departments were comprised of fifteen regular faculty. As noted, two possessed diversity status. The diversity statistics of Math/CS at that time were

$$\textit{Proportion of diverse faculty} = 2/15 \approx 13.3\%$$

$$\textit{Proportion of female faculty} = 1/15 \approx 6.7\%.$$

From Fall 1991 - Spring 2006, ten new regular faculty appointments have been made. Incorporating retirements, Math/CS will contain nineteen regular faculty, two of which possess diversity status (myself and Stephen Yeung), none of which are female. If one includes Stephen Yeung, who as noted above is neither a mathematician nor a computer scientist, the diversity statistics in Fall 2006 will be

$$\textit{Proportion of diverse faculty} = 2/19 \approx 10.5\%$$

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<sup>41</sup> Stephen Yeung, Curriculum Vitae [SD 280 - SD 283].

## **Appointment of Strictly Unqualified Candidate over Two Qualified Candidates both Having Diversity Status**

During the current academic year 2005-06, a search was conducted for a regular faculty appointment in Math at the Assistant Professor level. I will refer to this as the “2006 Search.” The 2006 Search Committee consisted of:

Name	Rank	Department(s)
Stephen Devlin	Assistant Professor	Math
Tristan Needham	Full Professor	Math
Stephanie Ohshita	Assistant Professor	Environmental Science
Peter Pacheco	Full Professor	Math with CS
Paul Zeitz	Full Professor	Math

I note that Prof. Ohshita is a White female.<sup>152</sup> For the events described in this section, I am not sure of Prof. Ohshita’s role. I speculate that she felt pressure from the other (senior and tenured) members of the Search Committee. The evidence to this effect is:

- she participated in the First Meeting of the Department and the Search Committee—The Search Committee meets with the Department to discuss their top choices;
- she did not attend the Second Meeting of the Department and the Search Committee—The Search Committee meets with the Department to discuss which candidate(s) should be recommended to the Dean.

Prof. Needham served as Chair of the Search Committee. I was not appointed to the Search Committee as a consequence of my current sabbatical leave (academic year 2005-06) and concomitant travel plans.

As noted in the Summary, my Informal Complaint of Discrimination/Harassment (January 26), preceded campus visits of final candidates.<sup>153</sup> Detailed written notification (delivered personally to Human Resources and Dean’s Office of Arts and Sciences, on January 11) of this Complaint, containing accusations of prior search violations, preceded the selection of final candidates.<sup>154</sup> During the 2006 Search the following meetings were conducted, in sharp contrast to the 2004 Search:

- First Meeting of the Department and the Search Committee. This was held January 20.
- Second Meeting of the Department and the Search Committee. This was held February 16.

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<sup>152</sup> I understand, from interpersonal communication with her, that Ohshita is her married name.

<sup>153</sup> Memo from Elsie Tamayo to John Kao, dated February 27, 2006 [SD 356 - SD 357].

<sup>154</sup> Memo from John Kao to Elsie Tamayo, cc’ed to Jennifer Turpin and Brandon Brown, dated January 10, 2006 [SD 352 - SD 353]. Also, Email from John Kao to Elsie Tamayo, cc’ed to Jennifer Turpin and Brandon Brown, dated January 11 [SD 351].

In Spring of 2005, the department discussed the up coming search in some detail. The Minutes of the Math Department meeting held May 10, 2005, contains the following text.

Faculty Search. Brandon Brown approved a new position, and the faculty members discussed the composition of the search committee; who shall be the chair of the committee; the timeline for advertising, applications, interviews, and offers; and committee attendance and use of employment center at the national AMS-MAA meetings.

The faculty also discussed electronic submission of application materials, and developing and using a search committee website.

Decisions made: Mathematics members of the search committee shall be Tristan, Steve, Paul, and Peter. The deadline for application shall be Friday, December 16, with the wording “to ensure full consideration” in the advertisement. Peter will contact Computer Science faculty to see who among them is interested and available to serve as the outside member of the Search Committee.<sup>155</sup>

The advertisement approved by the Math Department was essentially the same as that for the 2004 Search, with the electronic submission change alluded to above.

The Department of Mathematics at the University of San Francisco invites applications for a tenure-track position at the assistant professor level, to begin in fall 2006. Candidates from all fields of mathematics are encouraged to apply. The successful candidate should have university teaching experience and an earned doctorate in mathematics by fall 2006. She/he will teach throughout the undergraduate mathematics curriculum, from courses for majors to service courses for non-science majors. The position requires a passionate commitment to excellence in teaching within a culturally diverse environment, as well as a strong potential for research and scholarship.

Candidates should submit a letter of application, curriculum vitae, statement of teaching philosophy and research plans, copies/scans of complete teaching evaluations and recent syllabi, graduate transcripts, and three letters of recommendation. All of the above elements are required to complete your application.

As many as possible of these elements should be submitted electronically to: email: mathjob@math.usfca.edu.

The Subject Line of your e-mail(s) should begin with your full name: e.g.

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<sup>155</sup> Minutes of the Math Department meeting held May 10, 2005 [SD 367].

Subject: Mary L. McEnroe — Teaching Evaluations

Any remaining elements that cannot be submitted electronically should be mailed to:

Mathematics Search Committee  
c/o Tristan Needham, Chair  
Department of Mathematics  
University of San Francisco  
2130 Fulton St.  
San Francisco, CA 94117-1080

In order to insure full consideration, completed applications must be received (not postmarked) by December 16, 2005. We invite candidates to find out about our department at <http://artsci.usfca.edu/math>.

The University of San Francisco is a Jesuit Catholic university founded in 1855 to educate leaders who will fashion a more humane and just world. Candidates should demonstrate a commitment to work in a culturally diverse environment and to contribute to the mission of the University.

USF is an Equal Opportunity employer dedicated to affirmative action and to excellence through diversity. The University provides reasonable accommodations to qualified applicants with disabilities upon request.<sup>156</sup>

In connection with this, the following aspect of College Search Procedures is notable.

### **Request to Recruit**

In early spring the department submits to the appropriate Associate Dean the request for a full-time faculty position for the following academic year. The request should be accompanied by the following:

- An explanation of why the position is needed: in the case of a replacement position this can be quite brief, but in the case of a new position it should be detailed. Initially this is used to set priorities within the Dean's Office, and ultimately it is presented to the AVP.
- A brief *Position Description*, which can later be incorporated into the job advertisement. This normally includes the following elements:

*Teaching Responsibilities*, perhaps including examples of likely courses to be taught.

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<sup>156</sup> Classified advertisement. *Notices of the American Mathematical Society*. October 2005: pg. 1095 [SD 236 - SD 238]. Also USF Math web site advertisement published on [www.usfca.edu](http://www.usfca.edu) [SD 347 - SD 350].

*Qualifications:*

- ✓ A description of the disciplinary specialization(s) sought.
- ✓ An indication of any requirements implied by special programs or activities in which the candidate is expected to participate.
- ✓ The level of educational experience required. Note that except under extraordinary circumstances, all positions are filled at the Assistant Professor level and require a Ph.D. or other terminal degree.<sup>157</sup>

Further,

**Job Advertisement**

The Department Chair and the appropriate Associate Dean collaborate on the creation of a job advertisement based on the position description. The Dean's Office then places the advertisement both in journals specific to the field, and in publications likely to encourage minority applicants. In addition, the department is strongly encouraged to mail or e-mail copies of the advertisement to other universities that grant a Ph.D. in the discipline. The appropriate Associate Dean can assist in identifying target programs and organizations, and in acquiring mailing labels.<sup>158</sup>

And also,

Applications are reviewed in terms of how well the applicant meets the position's requirements as listed in the job description.<sup>159</sup>

A chronological narrative of the 2006 Search is provided in the Summary of *Report of Discrimination*. The conclusion to this process was

- Stephen Yeung, *who does not possess any earned degree in mathematics (beyond an undergraduate minor) was appointed Assistant Professor, Math, USF*. His earned doctorate is in Theoretical and Applied Mechanics (Cornell University, 1999).
- Pisheng Ding, who has earned a doctorate in Mathematics (New York University, 2003) was ruled *not a viable candidate* by the Search Committee.

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<sup>157</sup> *College of Arts and Sciences Chronological Procedures for Hiring Probationary and Term Faculty* [SD 334 - SD 340].

<sup>158</sup> Ibid.

<sup>159</sup> Ibid.

- Erin McNicholas, who will possess an earned doctorate in Applied Mathematics (University of Arizona, expected May 2006) was ruled *not a viable candidate* by the Search Committee.

Observe the job description as published in the 2006 Search Advertisement:

The successful candidate should have university teaching experience and an earned doctorate in mathematics by fall 2006.

which strictly disqualifies Prof. Yeung and qualifies both Prof. Ding and Prof. McNicholas.

As I was not a member of the Search Committee, it was not my responsibility to screen candidates for fundamental academic credentials. In addition, the lack of an earned doctorate in Mathematics is obscured in Prof. Yeung's curriculum vitae. His academic credentials are listed (among four full pages, single spaced, 10 point font) as:

Ph.D., Theoretical & Applied Mechanics, Cornell University (1999).  
Thesis Advisor: Steven Strogatz. Thesis Title: Time Delay in the Kuramoto Model of Coupled Phase Oscillators. Minors in Mathematics and Applied Mathematics.

B. Sc., First Class Honours, Physics, Chinese University of Hong Kong (1994). Minor in Mathematics.<sup>160</sup>

The above makes it appear that "Theoretical & Applied Mechanics" is a division within the Mathematics Department at Cornell University (specifically, the added feature of "Minors in Mathematics and Applied Mathematics").

"Minor" is not an established separate credential at the doctoral level. Careful research shows that this is a special feature of the Cornell system, which refers to "fields of study." The Cornell Graduate Catalog contains the following text.

A field is a group of graduate faculty members who have come together around common academic interests. They are drawn from different departments and are voted into the field by existing members. In general, a faculty member belongs to one department, but may be associated with many graduate fields.<sup>161</sup>

Further,

As a master's degree student, you must choose one major and one minor subject. Doctoral candidates choose one major and two minor subjects of

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<sup>160</sup> *Curriculum Vitae* for Stephen Yeung [SD 280].

<sup>161</sup> *Guide to Graduate Study*. The Graduate School at Cornell. Published on [www.gradschool.cornell.edu](http://www.gradschool.cornell.edu): pg 5 [SD 244].



study, although some fields have permission from the General Committee to require only one major and one minor subject. You pick faculty members from these approved subjects to form a “special committee.” The members of the special committee decide what is required for you to attain a Cornell graduate degree.<sup>162</sup>

At the undergraduate level, a minor refers to scholarship conducted *in addition* to that for a major. In contrast, *every Cornell doctorate comes with (automatically) two or one “Minors.”* Ordinarily, a PhD candidate who desires to certify scholarship in an alternate discipline, would obtain a master’s degree in this alternate subject. At Cornell, *every master’s degree comes with (automatically) one “Minor.”* It is incorrect to regard Prof. Yeung’s Cornell Minors as additional credentials beyond his Cornell Doctorate in Theoretical and Applied Mechanics.

The Cornell system formalizes what takes place in many other graduate schools that do not use the term “Minor.” For instance, as I recall, my Ph.D. thesis panel included faculty from

- Program in Applied and Computational Mathematics
- Department of Mathematics
- Program in Statistics and Operations Research.

In the case of the latter, my thesis advisor was appointed to this program and served as an Associated Faculty for the Program in Applied and Computational Mathematics (PACM). However, I had originally applied to the Department of Mathematics, my application was forwarded to and processed by PACM on the basis of research interest. I was accepted and graduated from this program: my earned doctorate is in Applied and Computational Mathematics. At the time of my enrollment, degree requirements were determined by a panel set by PACM and customized to the individual graduate student’s research. Again, my panel was comprised of faculty from the three above disciplines.

The current Cornell University Graduate School web page lists the following separately as fields of study:

- Applied Mathematics
- Mathematics
- Theoretical and Applied Mechanics.<sup>163</sup>

The Applied Mathematics Field is described as follows:

The graduate program in applied mathematics is based on a solid foundation in pure mathematics, which includes the fundamentals of algebra and analysis. It involves a grounding in the methods of applied

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<sup>162</sup> Ibid: pg. 5.

<sup>163</sup> Published on [www.gradschool.cornell.edu](http://www.gradschool.cornell.edu) [SD 245 - SD 248].

mathematics and studies of scientific areas in which significant applications of mathematics are made. The field has a broadly based interdepartmental faculty that can direct student programs in a large number of areas of the mathematical sciences. ...

**Application:**

Applicants must have an undergraduate background that contains a substantial mathematical component. Applicants are required to submit GRE general test scores, and are advised to submit GRE mathematics subject test scores.<sup>164</sup>

The Mathematics Field is described as follows:

All three major subdivisions of mathematics (algebra, analysis, and geometry) are well represented at Cornell. The department is also very strong in logic, probability, statistics, numerical methods for partial differential equations, and symbolic computations, topology, and Lie theory. ...

**Application:**

Applicants must have completed the work for an undergraduate degree in mathematics. That work should have included a rigorous course in advanced calculus and real variable theory that will serve as an introduction to measure theory. The student should also have some familiarity with applications of advanced calculus and should have had courses in linear algebra and modern abstract algebra at an advanced level. Applicants are required to submit GRE general and mathematics subject test scores; scores need to be reported by January 15. Non-native English speaking applicants must also submit a minimum TOEFL score of 600 (paper-based) or 250 (computer-based). A field brochure is available on request from the graduate field office.<sup>165</sup>

The Theoretical and Applied Mechanics field is described as follows:

The Field of Theoretical and Applied Mechanics provides a strong background in engineering science and applied mathematics, which prepares students to carry out high-quality analytical or experimental research and to handle a wide variety of modern engineering problems. Course work provides a broad education in the mechanics of rigid and deformable bodies, applied mathematics, and modern experimental techniques. ...

**Application:**

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<sup>164</sup> Published on [www.gradschool.cornell.edu](http://www.gradschool.cornell.edu) [SD 249].

<sup>165</sup> Published on [www.gradschool.cornell.edu](http://www.gradschool.cornell.edu) [SD 250].

The field has about forty students from a variety of academic and geographical backgrounds. Students are expected to have a background in physics, mathematics, or any branch of engineering. Applicants must submit GRE general test scores, with a combined analytical/quantitative score of 1400. A minimum TOEFL score of 600 (paper-based) or 237 (computer-based) is required. Applicants interested in a terminal master's degree should apply to the Master of Engineering program.<sup>166</sup>

The above Program Descriptions demonstrate definitively that a PhD in Theoretical and Applied Mechanics at Cornell University is neither

- a PhD in Applied Mathematics,
- nor a PhD in Mathematics.

In particular, *Applied Mathematics and Mathematics have no experimental/engineering component in their program description* (as expected). In contrast, Theoretical and Applied Mechanics, "... prepares students to carry out high-quality analytical or experimental research and to handle a wide variety of modern engineering problems."

I remark that in fifteen years as a full-time faculty of Math at USF, I had never heard of a doctorate in Theoretical and Applied Mechanics. The National Resource Council ranking of Mathematics Doctoral programs was last published in 1995 (ranking applies to 1993) with the preceding study published in 1982.<sup>167</sup> In the SD Appendix, I have reproduced for the Investigator, the ranked list of Research-Doctorate Programs in Mathematics for both studies. In some cases, the same institution carries separate rankings for Applied Mathematics and Mathematics (though not in the case of Princeton nor Cornell). For 1993, the following doctoral program categories were included in the list<sup>168</sup>

- Mathematics
- Program in Applied Mathematics
- Program in Computational and Applied Mathematics
- Program in Mathematical Sciences

No Program in Theoretical and Applied Mechanics is included. In this connection, I cite *Webster's Dictionary*:

**mechanics** ... 1. (*used with a sing. v.*) the branch of physics that deals with the action of forces on bodies and with motion. 2. (*used with a sing. v.*) the theoretical and practical application of mechanics, as to machinery.  
<sup>169</sup>  
...

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<sup>166</sup> Published on [www.gradschool.cornell.edu](http://www.gradschool.cornell.edu) [SD 251].

<sup>167</sup> Goldberger, M. L., Maher, B. A. and Flattau, P. E., eds. (1995). *Research-Doctorate Programs in the United States: Continuity and Change*. National Academy Press. Washington, D.C: pg. 1 [SD 213].

<sup>168</sup> Ibid: pg. 337 [SD 223].

<sup>169</sup> *Random House Webster's Dictionary*, (1998). Third Edition. Random House Inc. New York: pg. 446.

This suggests that Theoretical and Applied Mechanics is a type of mechanical engineering degree (which is consistent with the program description).

Careful scrutiny of Prof. Yeung's curriculum vitae reveals that in seven years since graduation (PhD awarded in 1999), he has the following five research publications (I remove from consideration his two book reviews):

- J. Tegnér, M. K. S. Yeung, J. Hasty and J. J. Collins, "Reverse engineering gene networks: Integrating genetic perturbations with dynamical modeling", *Proc. Natl. Acad. Sci. USA* **100**, 5944-5949 (2003).
- M. K. S. Yeung, J. Tegnér and J. J. Collins, "Reverse engineering gene networks using singular value decomposition and robust regression", *Proc. Natl. Acad. Sci. USA* **99**, 6163-6168 (2002).
- M. K. S. Yeung and S. H. Strogatz, "Time delay in the Kuramoto model of coupled oscillators", *Phys. Rev. Lett.* **82**, 648-651 (1999).
- M. K. S. Yeung and S. H. Strogatz, "Nonlinear dynamics of a solid-state laser with injection", *Phys. Rev. E* **58**, 4421-4435 (1998).
- A. E. Duwel, C. P. Heij, J. C. Weisenfeld, M. K. S. Yeung, E. Trías, S. J. K. Várdy, H. S. J. van der Zant, S. H. Strogatz and T. P. Orlando, "Interactions of topological kinks in two coupled rings of nonlinear oscillators", *Phys. Rev. B* **58**, 8749-8754 (1998).

Of these, the last three publications are in *Physical Review Letters*, *Physical Review E* and *Physical Review B*, all of which are physics journals. The first two publications are in *Proceedings of the National Academy of Science (PNAS)* which is a multi-subject journal. The following text is from the *PNAS* website:

PNAS is one of the world's most-cited multidisciplinary scientific serials. Since its establishment in 1914, it continues to publish cutting-edge research reports, commentaries, reviews, perspectives, colloquium papers, and actions of the Academy. Coverage in PNAS spans the biological, physical, and social sciences.<sup>170</sup>

Further is a list of subject categories. I present these below, but do not include the corresponding Editors (for complete text see SD 255 - SD 257):<sup>171</sup>

- Animal, Nutritional, and Applied Microbial Sciences
- Anthropology
- Applied Mathematical Sciences
- Applied Physical Sciences
- Astronomy
- Biochemistry

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<sup>170</sup> Published on [www.pnas.org](http://www.pnas.org) [SD 252].

<sup>171</sup> Ibid (subject categories only): [SD 255 - SD 257].

- Biophysics and Computational Biology
- Cellular and Developmental Biology
- Cellular and Molecular Neuroscience
- Chemistry
- Computer and Information Sciences
- Economic Sciences
- Engineering Sciences
- Environmental Sciences and Ecology
- Evolutionary Biology
- Genetics
- Geology
- Geophysics
- Human Environmental Sciences and Ecology
- Immunology
- Mathematics
- Medical Genetics, Hematology and Oncology
- Medical Physiology and Metabolism
- Microbial Biology
- Physics
- Physiology and Pharmacology
- Plant Biology
- Plant, Soil and Microbial Sciences
- Psychology
- Social and Political Sciences
- Sustainability Science
- Systems Neuroscience

Prof. Yeung's two PNAS papers are both published under the subject heading Genetics, as opposed to Applied Mathematical Sciences or Mathematics.<sup>172</sup>

I do not wish to challenge Prof. Yeung's scientific contribution. However, I am deeply concerned as to the violation of Search Procedures connected with his appointment. According to Prof. Needham, and stated during the First Meeting of the Department and the Search Committee, there were over 300 applicants for this position (approximately 1/3 were female).<sup>173</sup> If

- the advertisement invited candidates from all disciplines in *science, social science, and engineering*, who have conducted research involving sophisticated mathematical methods;

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<sup>172</sup> See SD 258 - SD 264 for cover pages of all of Prof. Yeung's research papers.

<sup>173</sup> Meeting of the Search Committee and the Math Department held January 20, 2006. Minutes of this meeting were not recorded.

- and the position were advertised in the corresponding professional journals;

we might have had several times 300 applicants. It seems likely that we might have hired a faculty that was both a female and an ethnic minority.

*I am also deeply concerned about the decision to rule the two qualified candidates unviable.* This decision is highly irregular given that a rigorous screening process was meant to reduce consideration from over 300 to 3 individuals. At the Second Meeting of the Department and Search Committee, Prof. Needham stated that the Search Committee felt

- Prof. McNicholas was unviable because of her research;
- Prof. Ding was unviable “primarily on the basis of collegiality” (Prof. Needham also referred to somewhat lower student evaluations of his teaching presentation).

As to the latter, Prof. Devlin went so far as to refer to Prof. Ding as “socially childish.”

I articulated clear reasons why Prof. Ding’s teaching talk was at least as good as that of Prof. Yeung (citing the fact that Prof. Ding presented students with applications of mathematical theory, while Prof. Yeung did not). Also note that candidates should have submitted to the Search Committee: copies/scans of complete teaching evaluations. In spite of my argument, the final decision was to rule Prof. Ding unviable (the department vote: six to one). Similarly, the final decision was to rule Prof. McNicholas unviable (the department vote: five to two). I supported Prof. McNicholas as first choice, however, Prof. Yeung was selected as first choice (the department vote: six to one). To document these events, I reproduce the Minutes of this meeting. The description is terse—however, the text clearly corroborates my account as presented above.

[SD Insert follows: 1 page]

**Math Department Meeting  
Minutes 02/16/2006  
CO 426/428 12.25pm**

**Present:** Peter Pacheco, Paul Zeitz, Benjamin Wells, Stephen Devlin, John Kao, James Finch, Allan Cruse, Tristan Needham.

**Announcements:**

Harney public safety presentation deferred to March 23rd.

Phone-a-thon: Allan Feb. 22, Steve Feb. 28; March 9 volunteers? Tristan might be able to do it.

Pi day? 3.14 1:49. Something to tell majors about.

March meeting scheduled during spring break. Oops by Christine. Reschedule for March 7<sup>th</sup>.

Batey prize: Decide whom, if anyone, we wish to nominate. John raised the related issue of the Science Scholarship Committee. Steve agreed to notify Brandon that he will substitute for John on the Science Scholarship Committee in Spring 2006.

**New Business:**

The faculty members discussed the faculty search and each of the finalist candidates in depth.

The meeting moved from CO 428 to 426, during which time Jim left the meeting. The faculty voted on each of the finalist candidates.

Erin McNicholas: John Kao's first choice.

Pisheng Ding: No response, except for that John Kao does support P. Ding as a viable alternate.

Stephen Yeung: Allan Cruse, Stephen Devlin, Tristan Needham, Peter Pacheco, Benjamin Wells, Paul Zeitz.

Benjamin Wells supports Erin McNicholas for second choice, as does John Kao (*if S. Yeung turns down the offer*).

SD Note:  
Also Inserted  
as pg. 102

SD 369



Below is the combined list of current regular Math faculty together with the final candidates from the 2004 and 2006 Searches:

Name	Earned Doctorate	PhD Granting Institution
Alissa Crans	Mathematics	University of California, Riverside
Allan Cruse	Mathematics	Emory University
Stephen Devlin	Mathematics	University of Maryland, College Park
Pisheng Ding	Mathematics	New York University
James Finch	Mathematics	University of Illinois, Urbana-Champaign
John Kao	Applied and Computational Mathematics	Princeton University
Erin McNicholas	Applied Mathematics	University of Arizona
Aaron Melman	Applied Mathematics	California Institute of Technology
Anthony Mendes	Mathematics	University of California, San Diego
Stanley Nel	Applied Mathematics	University of Cape Town, Republic of South Africa
Tristan Needham	Mathematics	Oxford University, United Kingdom
Peter Pacheco	Mathematics	Florida State University
John Stillwell	Mathematics	Massachusetts Institute of Technology
Benjamin Wells	Mathematics	University of California, Berkeley
Robert Wolf	Mathematics	University of California, Berkeley
Stephen Yeung	Theoretical and Applied Mechanics	Cornell University
Paul Zeitz	Mathematics	University of California, Berkeley

Observe that all the above faculty, except Prof. Yeung, has an earned doctorate in Mathematics, Applied Mathematics, or Applied and Computational Mathematics (the National Research Council classifies these programs together under the rubric, “Research-Doctorate Programs in Mathematics.”<sup>174</sup> Statistics is a closely allied discipline to Math/Applied Math, yet not a single individual in the above list earned a doctorate in

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<sup>174</sup> Rung, D. C. (1983). Newest Ratings of Graduate Programs in Mathematics. *Notices of the American Mathematical Society*. Vol. 30, No. 3, pg. 257-567 [SD 198 - SD 209]. Also, Goldberger, M. L., Maher, B. A. and Flattau, P. E., eds. (1995). *Research-Doctorate Programs in the United States: Continuity and Change*. National Academy Press. Washington, D.C: pg. 332-337 [SD 210 - SD 223].

this subject. The National Research Council classifies Statistics doctoral programs separately from Mathematics.<sup>175</sup> It is apparent that in its hiring practices, the USF Math Department either explicitly removed candidates with doctorates in Statistics from consideration, or such candidates elected not to apply based on the job advertisements. I remark that although my doctoral thesis advisor had a primary faculty appointment in the Program for Statistics and Operations Research, Princeton University, I have never represented myself as having earned a doctorate in Statistics. The exception granted Prof. Yeung in regards to his doctorate in Theoretical and Applied Mechanics is a violation of College Search Procedures. *At the very minimum this discrepancy should have been disclosed to the Math Department (the appropriate venue being the First Meeting of the Department and the Search Committee), which it was not at any time.*

Finally, I remark that Prof. Ding was awarded the National Science Foundation (NSF) Graduate Fellowship and also a NSF/Indiana University Grants for Vertical Integration of Research and Education in the Mathematical Sciences (VIGRE) Postdoctoral Fellowship.<sup>176</sup> On this basis, I dispute the position that Prof. Ding is “not collegial” and “socially childish.”

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<sup>175</sup> Ibid.

<sup>176</sup> Curriculum Vitae for Pisheng Ding [SD 275].

Report and Addendum (PSOUH Policy)  
Submitted to the Assistant Vice President for Human Resources,  
University of San Francisco

August 15, 2007

John Kao, PhD  
Associate Professor  
Mathematics Department  
University of San Francisco

## General Contents

- I. Cover Letter for *Addendum*: 6 pages
- II. *Addendum* (body): 41 pages
- III. Source Document for Addendum Appendix: 118 pages
- IV. Cover Letter for *Report of Discrimination*: 2 pages
- V. *Report of Discrimination* (body): 112 pages
- VI. Source Document Appendix (for *Report of Discrimination*): 369 pages

August 15, 2007

Martha Peugh-Wade  
Assistant Vice President for Human Resources  
University of San Francisco, LM 339  
2130 Fulton Street  
San Francisco, CA 94117-1080

Dear Vice President Peugh-Wade,

On May 15, 2006, I filed a Formal Complaint as provided for by the USF Prevention of Sexual and Other Unlawful Harassment Policy (PSOUHP), effective February 7, 2006; this, in sequel to an Informal Complaint which I filed on January 26, 2006, with Elsie Tamayo, Manager, Professional Development/Affirmative Action, Human Resources. The Formal Complaint took the form of

*Report of Race-based Discrimination and Harassment  
Submitted to the Associate Vice President for Human Resources,  
University of San Francisco*

which I will refer to as *Report of Discrimination*. The submission comprised 483 pages: cover letter to the Associate Vice President for Human Resources, Terry Stoner (now retired), 2 pages; body of the report, 112 pages; supporting documents, 369 pages. Since then, the USF Administration and I have been engaged in a process of negotiation prior to investigation of the Formal Complaint. The Administration has been represented by:

- Terry Stoner, Associate Vice President, Human Resources;
- Donna Davis, General Counsel, Office of the General Counsel;
- Jennifer Turpin, Dean, College of Arts and Sciences.

I am represented by

- Christopher W. Katzenbach, Attorney at Law, Katzenbach and Khitikian.

The negotiation process was initiated by the Administration and is not provided for in PSOUHP. I am writing now to submit a supplementary manuscript which I will refer to as *Addendum*. It consists of 165 pages: cover letter (copy of this correspondence), 6 pages; body of the addendum, 41 pages; supporting documents, 118 pages. I request that *Addendum* be reviewed in conjunction with *Report of Discrimination*. If necessary, it can be treated as a second Formal Complaint.

*Report of Discrimination* concerns two faculty members in the Mathematics Department, Tristan Needham and Stanley Nel, for the time

Fall 1991 - Spring 2006.

Profs. Needham and Nel have held senior executive positions during this period:

Stanley Nel	Dean of College of Arts and Sciences 1990 - Spring 2003
	Vice President of International Relations Fall 2003 - present
Tristan Needham	Associate Dean of Sciences Spring 1999 - Spring 2004.

In the capacity of Associate Dean, Tristan Needham was my direct superior, for which reason the threat of retaliation was too great to pursue action as specified by PSOUHP. Extensive research into their conduct began in August 2005, and was in response to Tristan Needham's return to the Mathematics Department the same month (he was on sabbatical leave academic year 2004-05). My inquiry led to discovery of several matters addressed in the Formal Complaint, although they took place some time prior. Further discrimination and harassment occurred after August 2005. For your reference, I will summarize some of the major aspects of *Report of Discrimination*.

- Deans Needham and Nel created a category of faculty appointment (Full Professorship requiring only one semester per year of teaching duty). The terms of this position explicitly violate the USF Faculty Association *Collective Bargaining Agreement* (contracts effective 1998 - 2012) which states that faculty must be available for service at the University for the entire academic year. Thereafter, Dean Needham hired a close personal acquaintance (John Stillwell) into this position (2001, first semester teaching as a tenured Full Professor–Fall 2002). As the position came *with tenure*, this appointment was *permanent* and was not subject to peer review. In violation of USF affirmative action/equal opportunity policy (as reported to the USF Board of Trustees and also the Western Association of Schools and Colleges), no search was conducted. Moreover, no faculty consultation *of any kind* took place prior to the announcement that the Deans were going to appoint John Stillwell. His curriculum vitae were not provided to mathematics faculty. His qualifications were not discussed. No vote on the matter of was taken by the Mathematics Department. These facts are evinced by the minutes of the Mathematics Department meetings in 2000 and 2001. Prof. Stillwell's appointment involved a substantial financial commitment on the part of USF. His position at USF automatically advances to the highest salary scale attainable to faculty (Full Professor Step 8, corresponding to an annual salary of \$121,571.45, plus benefits). He is employed concurrently at USF and

Monash University in Australia. The appointment of Prof. Stillwell was an overt act of nepotism. It violated USF affirmative action policies and due process for faculty hiring.

- Dean Needham engaged in both harassment and discrimination against me, which included defamation of character and libel. This occurred in an official letter of reprimand (printed on USF letterhead) sent to administrators at another institution of higher education (John Loomis, Chair of Architecture, and David Meckel, Dean of Design and Architecture; both at the prestigious art institute, California College of the Arts) as well as to faculty and administrators at USF. Supporting documents attached to his letter *were fabricated by Dean Needham*. A USFFA Grievance was settled in my favor on December 7, 2000.
- As a result of a temporary medical disability with which I was afflicted (allergic reaction to a medication), Dean Needham applied undue and discriminatory pressure on me, which in the context of his prior actions (defamation of character and libel), forced me to take a one semester leave of absence without pay (Spring 2002). His conduct violated the Americans with Disabilities Act and/or the Family and Medical Leave Act.
- In contravention of standard administrative procedure, documents have been selectively deleted from my personnel file maintained in the Deans Office of Arts and Sciences. No consistent policy of retention/deletion can explain the destruction of documents favorable to my academic reputation as compared to other documents preserved in this file. This matter was discovered January 2005.

The above summarizes a part, but not all, of *Report of Discrimination*.

The prompt for *Addendum* is the Administration's attempt to impel me to sign a contract titled, "Release and Arbitration Agreement" (communicated by Ms. Davis to Mr. Katzenbach). Through this agreement, I would be deprived of civil liberties and rights that are guaranteed by U.S. law (and thus these rights are enjoyed by every other employee at USF). The contract would apply not only in relation to matters occurring before my Formal Complaint, but would cover *any dispute between myself and the University, in perpetuity*. I was asked to relinquish *future rights* to any and all, damages, claims, charges, causes of action, grievances, complaints, indemnities and obligations directly or indirectly arising out of, or in any way connected to my relationship with the University of any kind, University employment, including but not limited to:

- age discrimination under the Age Discrimination in Employment Act (29 U.S.C.A. §§ 621-634);



- racial discrimination under the federal Civil Rights Act of 1964;
- disability discrimination under federal Americans with Disabilities Act (“ADA”);
- federal and state occupational and safety laws;
- collective bargaining agreements;
- Family and Medical Leave Act (“FMLA”);
- California Fair Employment and Housing Act (California “FEHA”);
- all other state, local or federal laws, contract, tort, retaliation, constitutional, and/or any employment-related claims, and/or other claims.

Also, the contract would have deprived me of

- due process in a court of law in disputes between myself and the University. It would strictly limit me to conflict resolution with USF through final and binding arbitration, *on any matter, in perpetuity*.

Arbitration differs from litigation in significant ways. For example, in binding arbitration

- decisions cannot be appealed,
- proceedings and awards are typically confidential,
- protocols do not provide for discovery.

This arbitration clause would deprive me of the right to a jury trial which is guaranteed by U.S. law in matters of civil disputes. Moreover, the contract would oblige me to

- confidentiality with respect to the *entire content of Report of Discrimination*.

This would substantially restrict my freedom of speech, as *Report of Discrimination* describes events that are matters of public record—facts therein are supported by USF documents to which no confidentiality applies. In addition to being protected by U.S. law, freedom of speech is sacrosanct in academia. The tenure system is designed to protect faculty from reprisals for their public positions on sensitive issues.

While a request to release the University from liability for events that have occurred prior to the Formal Complaint is reasonable, the attempt to impel me to relinquish *future rights* is *unequivocally* an act of discrimination and harassment:

How can USF claim to be an equal opportunity employer when it asks an ethnic minority professor (tenured and Associate) with a perfect employment record to sign a document which relinquishes virtually all of his legally protected employment rights?

The preservation of civil liberties and rights is an established principle of social justice. How can USF claim to be promoting civil rights if the Administration asks an ethnic minority employee to relinquish, for example, his future protection from racial discrimination under the federal Civil Rights Act of 1964?

*The Administration's conduct calls into question the authenticity of the Formal Complaint process. It casts doubt upon the University's commitment to protecting complainants from retaliation in the event of an investigation.* Furthermore, the negotiation was conducted in an intimidating and disingenuous fashion. PSOUHP states:

Individuals who know of harassment, or believe that they have been harassed, in violation of this policy have access to the complaint procedures described below and are encouraged to utilize these complaint procedures.

Yet the effect of "Release and Arbitration Agreement" is punitive. This contract would deprive me of employment rights that many courageous individuals throughout U.S. history fought for. These rights are, to put it simply, priceless. Of particular importance to me is the right to a jury trial in the event of retaliation for my complaint—I consider this a fundamental legal safeguard.

To ensure that no miscommunication on this matter occurred, Mr. Katzenbach emailed, corresponded, and spoke by telephone, with Ms. Davis on multiple occasions. The last communiqué, a telephone discussion, took place spring 2007.

The ongoing negotiation phase of the Formal Complaint was initiated by the Administration. Its purpose, as stated by Ms. Davis, is to settle the Formal Complaint informally. That is, its purpose is to preempt an investigation. The actions of the Administration during this process serve as a litmus test for discrimination and harassment. It reveals discrimination at USF of an institutional nature.

The manuscript I now submit to the Office of Human Resources consists of the following elements, which have been assembled in the order below:

- Cover Letter for *Addendum* (that is, this letter),
- *Addendum* (body) ,
- Source Document for Addendum Appendix,
- Cover Letter for *Report of Discrimination*,
- *Report of Discrimination* (body),
- Source Document Appendix (for *Report of Discrimination*).

This manuscript will be transmitted to the Office of Human Resources and Office of the

General Counsel in both electronic and hardcopy form.

In preparing *Report of Discrimination* and *Addendum*, I reviewed the USF Mission Statement which includes: “The University will distinguish itself as a diverse, socially responsible learning community of high quality scholarship and academic rigor sustained by a faith that does justice.” I conclude that my social responsibility as an academician, and a dedicated employee of USF with sixteen years of service, obliges me to submit these manuscripts to the Office of Human Resources. I do so in the belief they will be of value to the University: contributing to the strength and integrity of our institution.

Thank you for your attention. As noted above, I am represented by

Christopher W. Katzenbach  
Attorney at Law  
Katzenbach and Khtikian  
1714 Stockton Street, Suite 300  
San Francisco, CA 94133-2930  
Tel. (415) 834-1778

Also, please feel free to contact me if you have any questions or concerns (USF Mathematics Department, office HR 219, telephone ext. 6760, email [kao@usfca.edu](mailto:kao@usfca.edu)).

Sincerely,

John Kao  
Associate Professor  
Mathematics Department

cc: Donna Davis, General Counsel, Office of the General Counsel  
Elsie Tamayo, Manager, Professional Development/Affirmative Action, Human Resources  
Christopher W. Katzenbach, Katzenbach and Khtikian

Addendum to Report of Discrimination  
Submitted to the Assistant Vice President for Human Resources,  
University of San Francisco

August 15, 2007

John Kao, PhD  
Associate Professor  
Mathematics Department  
University of San Francisco

## Introduction

I will refer to this manuscript as *Addendum*. My objective is to supplement the Formal Complaint of race-based discrimination and harassment filed with the University on May 15, 2006. This document will address subsequent events. The original Formal Complaint was comprised of

*Report of Race-based Discrimination and Harassment  
Submitted to the Associate Vice President for Human Resources,  
University of San Francisco*

which I will refer to as *Report of Discrimination*. As investigation of the original complaint has yet to commence, I ask that *Addendum* be reviewed in conjunction with *Report of Discrimination*. It may also be treated as a second Formal Complaint.

*Addendum* adopts the nomenclature and conventions used in *Report of Discrimination*. Similar to the original report, I have reproduced excerpts from source material (cited in footnotes) and replicated such, in a Source Document for Addendum Appendix (abbreviated SDA). To certify authenticity, I have retained original copies. These were identified by removable tags and labeled duplicates created. These tags take the form

SDA #

where the number enables page reference to source documents for the *Addendum*. The Investigator can forego careful reading of the SDA Appendix—it is meant for reference and also to verify that quotations have not been taken out of context.

*Addendum* concerns the following topics each of which corresponds to a separate section herein

- Summary of Events in Sequel to Submission of Formal Complaint
- Dual Degree in Teacher Preparation (DDTP) Program
- Special Appointments in the College of Arts and Sciences
- John Stillwell's Appointment
- Diversity of Faculty in Math/CS
- Forced Leave of Absence Spring 2002
- Notes on *Report of Discrimination*.

Presentation of the above will begin with a narrative description of events (for the period May 15, 2006 - present).

## Summary of Events in Sequel to Submission of Formal Complaint

I activated the USF Prevention of Sexual and Other Unlawful Harassment Policy (PSOUHP) on January 10, 2006, by submission of a memorandum to Elsie Tamayo, University Affirmative Action Officer, requesting an Intake Meeting for an Informal Complaint as specified by PSOUHP.<sup>1</sup> This memorandum was copied to Jennifer Turpin, Dean of Arts and Sciences, and Brandon Brown, Associate Dean of Sciences—the memorandum described some of the issues I would include in my complaint. From that time to present, my attorney has been Christopher W. Katzenbach, law firm of Katzenbach and Khitikian.

The Intake Meeting, between me and Ms. Tamayo, was conducted on January 26. I brought documents to substantiate my claims of discrimination and harassment. After review of these, we both agreed that a Formal Complaint was warranted.<sup>2</sup>

I filed *Report of Discrimination* on May 15, 2006. In response, the USF Administration requested a meeting to discuss my Formal Complaint. Such was scheduled for June 20. Present at this meeting and representing the Administration were

- Terry Stoner, Associate Vice President, Human Resources;
- Donna Davis, General Counsel, Office of the General Counsel;
- Jennifer Turpin, Dean, College of Arts and Sciences.

I was represented by Mr. Katzenbach.

The meeting opened with the Administration expressing its desire to settle the Formal Complaint informally—that is, without an investigation. This was the purpose of our meeting. The Administration drew attention to the claim that my professional reputation had been damaged by USF administrators, and as a result, I was politically isolated within the college. To confute this claim, the Administration informed me I had been nominated to a trustee subcommittee.<sup>3</sup> The Administration then asked what evidence I had to support the claim of political isolation. I cited the section of *Report of Discrimination* labeled “Maladministration: DDTP Single Subject Accreditation.” The Administration’s response was that the accreditation program described therein had been terminated. I was astonished that the decision to end this program was made without my knowledge and without faculty consultation (the DDTP Curriculum Committee did not meet at all Spring 2007). This decision was also contrary to the commitment I received from Dean Brown and Dean Bloch<sup>4</sup> that the University would postpone decision on reaccreditation until Fall semester 2006 (when the matter could be discussed between faculty and the new director of DDTP). This commitment was made to me at a meeting between the three of us, February 13,

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<sup>1</sup> Memo from John Kao to Elsie Tamayo, cc’ed to Jennifer Turpin and Brandon Brown, dated January 10, 2006 [SD 352 - SD 353]. Also, Email from John Kao to Elsie Tamayo, cc’ed to Jennifer Turpin and Brandon Brown, dated January 11 [SD 351].

<sup>2</sup> Memo from Elsie Tamayo to John Kao, dated February 27, 2006 [SD 356 - SD 357].

<sup>3</sup> No written notice of such a nomination (nor of any such appointment) has been sent to me, before or since. Needless to say, no appointment was made.

<sup>4</sup> Michael Bloch is Associate Dean of Social Sciences, College of Arts and Sciences.

2006.<sup>5</sup> During the past academic year, Dean Brown and influential members of the Math Department had encouraged me to pursue the continuing single subject accreditation in mathematics.<sup>6</sup> *The Administrations response, itself, supported the claim that I am politically isolated.*

The Administration solicited my opinion as to what could be done to improve USF as an institution. After some discussion I realized that the question was meant to solicit a proposal that could settle the Formal Complaint informally. I suggested that I be granted a dual-appointment in Math/CS. I considered myself well qualified since my doctorate from Princeton University is in Applied and Computational Mathematics. My appointment would result in the CS department having *at least one* ethnic minority faculty member.<sup>7</sup> It would also result in *at least one* ethnic minority among the dual-appointment faculty. After discussion of this proposal, Administration representatives left the room to confer.

When we reconvened, the Administration informed me that such an appointment would be difficult to make. Mr. Katzenbach suggested we meet again in a month so that all parties could reflect. This was agreed upon. At the conclusion of the meeting I asked if the dual-appointment remained a possibility. *The Administration stated clearly that it was a possibility.* Approximately three months passed before the next meeting on September 12. The delay was created by the Administration.<sup>8</sup>

Prior to the follow-up Formal Complaint meeting September 12, I was told (in August) that my elderly mother required a major and unexpected surgery. Her hospital stay was scheduled for the latter part of September. I asked Mr. Katzenbach to request at the complaint meeting that I be granted Paid Family Leave to attend to my mother's care (the nature of my mother's condition was within the scope of USF's Paid Family Leave policy).

Prior to September 12, Mr. Katzenbach was sent a position statement from the University. It consisted of the following.<sup>9</sup>

This is a brief summary and follow up to our meeting June 20<sup>th</sup> setting forth briefly what the University heard and possible ideas of how to address these issues.

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<sup>5</sup> Meeting between Michael Bloch, Brandon Brown and John Kao, February 13, 2006. Scheduling email from Brandon Brown to John Kao, dated February 7 [SDA 17].

<sup>6</sup> Email from Brandon Brown to John Kao, dated December 11, 2005 [SDA 13]. Email from Brandon Brown to selected members of Math Department, dated February 10, 2006 [SDA 14]. Emails from Tristan Needham to Math Department, dated November 9, 2005 [SDA 8]; dated November 10 [SDA 9 - SDA 11]; and follow up email also dated November 10 [SDA 12].

<sup>7</sup> The fact (presented in *Report of Discrimination*) that Peter Pacheco, who has a dual-appointment in Math/CS is Non-Hispanic was not challenged, by the Administration, during this or subsequent meetings.

<sup>8</sup> Email from Christopher Katzenbach to John Kao, dated July 17, 2006 [SDA 27]. Email from Christopher Katzenbach to Donna Davis, dated August 4, 2006 [SDA 28]. Email from Christopher Katzenbach to Donna Davis, dated August 11, 2006 [SDA 29]. Email from Christopher Katzenbach to John Kao, dated August 11, 2006 [SDA 30]. Email from Christopher Katzenbach to John Kao, dated August 13, 2006 [SDA 31 - SDA 32]. Email from Christopher Katzenbach to Donna Davis, dated August 25, 2006 [SDA 33]. Email from Christopher Katzenbach to John Kao, dated August 31, 2006 [SDA 37 - SDA 38].

<sup>9</sup> USF Position Statement [SDA 114].

### Concerns

- Professor Kao is very concerned about his professional reputation.
- Professor Kao believes he is a victim of discrimination.
- Professor Kao believes he was forced to take unpaid leave for a semester. At that point he feels he was stigmatized. How can the stigma be removed?
- University needs to better display the confidence it has in and respect it has for Professor Kao

### Ideas

- Dean Turpin can have Professor Kao assigned to teach in computer science.
- Dean Turpin has already nominated Professor Kao for a trustee subcommittee and will look for other opportunities for him to do service.
- Dean Turpin has appointed a new dual degree program director and will require him to meet regularly with the advisory committee.
- Dean Turpin is willing to add whatever documents [sic] Professor Kao has that are missing from his personnel file to his file.

### Next Steps

- Mr. Katzenbach to respond with his thoughts.
- Parties to meet again to decide on best manner in which to proceed.

On September 12, Ms. Davis opened the Formal Complaint meeting with a reading of this statement. I informed her that I had learned

- the DDTP Curriculum Committee (which is the advisory committee to DDTP) had been dissolved,<sup>10</sup>

which fact contradicted the Administration's own statement. *This incident supported the claim that I am politically isolated.* The Administration then announced that

- no further dual-appointments will be made in the College of Arts and Sciences.

Administration representatives left the room along with Mr. Katzenbach. Mr. Katzenbach returned to inform me that I had been given leave as provided for by USF's Paid Family Leave policy. In addition, the Administration proposed to resolve my Formal Complaint informally as follows. USF would:

- pay me an amount approaching the sum of my salary for Spring 2002 (the semester in which Forced Leave of Absence occurred);

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<sup>10</sup> Email from Jeff Buckwalter to John Kao dated August 29, 2006 [SDA 34 - SDA 36].



- provide me with a letter specifying the reason for this payment, in particular, that it was compensation for Spring 2002.

I understood that the Administration expected I would then forgo investigation of the Formal Complaint. I declined this proposal and the meeting ended.

The following morning, September 13, Mr. Katzenbach conveyed (by telephone) to Ms. Davis my counterproposal. USF would:

- pay me the full amount of my salary for Spring 2002;
- admit the document *Report of Discrimination* to my personnel file to be maintained for the duration of my employment at USF;
- provide me with a signed statement to the effect of “USF believes John Kao filed his Formal Complaint in good faith and confirms that the Administration has no basis for disputing the authenticity of the source documents in *Report of Discrimination*.”

The latter two items were essential to me since important documents had been deleted from my personnel file.<sup>11</sup> These missing documents were contained in the Source Document Appendix of *Report of Discrimination*. Mr. Katzenbach understood that I was prepared to sign a statement releasing USF from legal liability *for events prior* to my Formal Complaint. On September 19, Mr. Katzenbach informed me the Administration had accepted my counterproposal. I considered the negotiation completed.

My Paid Family Leave was granted for September 13 - September 27. Several email messages were exchanged between me and the Office of Human Resources to activate this leave and provide proper filing of documentation. I was sent forms to be submitted to Sedgwick Claims Management Services Inc. (Sedgwick CMS), which insures USF employees in matters of<sup>12</sup>

- Paid Family Leave,
- Long Term Disability.

My mother’s surgery was conducted on September 19. She remained in the hospital until September 22. My leave covered both preoperative and postoperative care. (My mother suffers from bouts of depression and anxiety which makes her care extremely difficult.)

On September 22, I received the following contract titled, “Release and Arbitration Agreement,” which the Administration had emailed to Mr. Katzenbach.<sup>13</sup>

[SDA Insert follows: 3 pages]

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<sup>11</sup> *Report of Discrimination*, pg. 28-29. Also, *Report of Discrimination*, pg. 86-90.

<sup>12</sup> Email message from Martha Peugh-Wade to John Kao dated September 13, 2006 [SDA 39 - SDA 40]. Email message from Diane Sweeney to John Kao dated September 18, 2006 [SDA 41 - SDA 44].

<sup>13</sup> Release and Arbitration Agreement [SDA 104 - SDA 106].

**Release and Arbitration Agreement**

This Release and Arbitration Agreement ("Agreement") is made and entered into by and between John Kao ("Professor") on the one hand, and University of San Francisco ("University") on the other hand (together "Parties").

1. Professor is a faculty member of the University, holding the position of Associate Professor with tenure, in the College of Arts and Sciences. Professor hereby irrevocably releases and waives all claims, grievances and evidence/information related thereto, against the University and its officers, agents, students and representatives, as of the date of execution of this Agreement. University hereby agrees to pay Professor the sum of \$ 37,365.12, less tax withholdings and FICA, within 20 calendar days of mutual execution.

2. Professor hereby withdraws with prejudice any and all grievances and warrants that he has not filed any lawsuit and/or charges with any court or government agency, against the University and/or any officer, agency or Professor thereof.

3. In consideration of the promises contained in this Agreement, Professor does release, acquit and forever discharge the University and all its past, current and future officers, employees, agents, attorneys, consultants, investigators, agents, representatives, students, contractors, boards, trustees, insurers and all successors and assigns ("Releasees") of and from any and all, damages, claims, charges, causes of action, grievances, complaints, indemnities and obligations directly or indirectly arising out of, or in any way connected to his relationship with the University of any kind, University employment, including but not limited to age discrimination under the Age Discrimination in Employment Act (29 U.S.C.A. §§ 621-634), the federal Civil Rights Act of 1964, federal Americans with Disabilities Act ("ADA"), federal and state occupational and safety laws, collective bargaining agreements, Family and Medical Leave Act ("FMLA"), California Fair Employment and Housing Act (California "FEHA"), all other state, local or federal laws, contract, tort, retaliation, constitutional, and/or any employment-related claims, and/or other claims. This release shall be a complete bar to any claims, grievances and lawsuits asserted in contravention of it, no matter the forum.

Professor acknowledges that he has read Section 1542 of the Civil Code of the State of California which states:

A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.

Professor hereby waives any right or benefit which he has or may have under Section 1542 to the full extent that he may lawfully waive such rights and benefits pertaining to the subject matter of this general release.

SDA Note:  
Also Inserted  
as pg. 6

SDA 104

4 Professor knowingly and voluntarily agrees to waive any rights or claims arising out of or relating to the federal Age Discrimination in Employment Act ("ADEA") (29 U.S.C.A. § 621 et seq.) and the federal Americans With Disabilities Act ("ADA") (41 U.S.C.A. § 12101 et seq.):

(a) Professor represents and acknowledges that he is waiving any and all rights or claims that he may have arising under the federal ADEA and the federal ADA;

(b) Professor represents and acknowledges that he had the right to be represented by an attorney of his own choosing in connection with this Agreement and has, in fact, done so;

(c) Professor knows and understands that he is not waiving any federal ADEA or federal ADA rights or claims that may first arise after the execution of this Agreement; however, an arbitration clause is agreed on, as set forth in Section 5 of this Agreement, which is a waiver of all rights to jury trial.

(d) Professor knows and understands that in exchange for the waiver of his rights under the federal ADEA and federal ADA, he has received consideration as set forth in Section 1 of this Agreement.

(e) Professor represents and acknowledges that he has waived the right to have twenty-one (21) days to consider this waiver.

5. Any and all disputes, claims, or controversies arising out of or relating in anyway to this Agreement, its performance or breach, including, without limitation, the validity, scope and enforceability of the agreement to arbitrate, or connected in any way with the past or future employment of Professor with University, or any other matter which ever may become disputed between University (including its officers, agents and representatives) and Professor, whether arising under statute or otherwise, shall exclusively be settled by final and binding arbitration. Any award rendered shall be final, binding and conclusive upon the parties and may be entered in any state or federal court having jurisdiction. Professor Kao agrees that any future dispute will not be resolved in any court proceeding but only in arbitration, regardless of the issue or subject matter of the claim or defense to the claim. Professor further agrees that the existence and information, facts, circumstances and events related to the disputes, grievances, claims or complaints of Professor up through the execution of this Agreement, are confidential and may never be offered as evidence by Professor Kao, or relied upon or argued by him in any manner, in any dispute, grievance, claim or complaint by him, whatever the subject or time thereof.

6. [For any issues Professor Kao seeks to cover]

7. Sole Agreement: This Agreement consists of 3 pages and sets forth the parties' entire Agreement. This Agreement may not be altered, amended or modified, nor may a new agreement be reached; except by a further written document signed by Professor and the University. Professor has seven (7) calendar days after execution of this Agreement to revoke it. To revoke this Agreement, Professor must submit a written statement of revocation which must

SDA Note:  
Also Inserted  
as pg. 7

SDA 105

**D R A F T**

be received by the general counsel of the University within that period. This Agreement will not become effective until the date on which the revocation period expires.

**READ and AGREED:**

\_\_\_\_\_  
John Kao

\_\_\_\_\_  
Date

\_\_\_\_\_  
University of San Francisco

\_\_\_\_\_  
Date

SDA Note:  
Also Inserted  
as pg. 8

SDA 106

The provisions of this contract would deprive me of civil liberties and rights that are guaranteed by United States law (and thus these rights are enjoyed by every other employee at USF). The contract would apply not only in relation to matters occurring before my Formal Complaint, but would cover *any dispute between myself and the University, in perpetuity*. I was asked to relinquish *future rights* to any and all, damages, claims, charges, causes of action, grievances, complaints, indemnities and obligations directly or indirectly arising out of, or in any way connected to my relationship with the University of any kind, University employment, including but not limited to:

- age discrimination under the Age Discrimination in Employment Act (29 U.S.C.A. §§ 621-634);
- racial discrimination under the federal Civil Rights Act of 1964;
- disability discrimination under federal Americans with Disabilities Act (“ADA”);
- federal and state occupational and safety laws;
- collective bargaining agreements;
- Family and Medical Leave Act (“FMLA”);
- California Fair Employment and Housing Act (California “FEHA”);
- all other state, local or federal laws, contract, tort, retaliation, constitutional, and/or any employment-related claims, and/or other claims.

Also, the contract would have deprived me of

- due process in a court of law in disputes between myself and the University. It would strictly limit me to conflict resolution with USF through final and binding arbitration, *on any matter, in perpetuity*.

Arbitration differs from litigation in significant ways. For example, in binding arbitration:

- decisions cannot be appealed;
- proceedings and awards are typically confidential;
- protocols do not provide for discovery.

This arbitration clause would deprive me of the right to a jury trial which is guaranteed by U.S. law in matters of civil disputes. Moreover, the contract would oblige me to

- confidentiality with respect to the *entire content of Report of Discrimination*.

This would substantially restrict my freedom of speech, as *Report of Discrimination* describes events that are matters of public record—facts therein are supported by USF documents to which no confidentiality applies. In addition to being protected by U.S. law, freedom of speech is sacrosanct in academia. The tenure system is designed to protect faculty from reprisals for their public positions on sensitive issues.

While a request to release the University from liability for events that have occurred prior to the Formal Complaint is reasonable, the attempt to impel me to relinquish *future rights* is *unequivocally* an act of discrimination and harassment:

How can USF claim to be an equal opportunity employer when it asks an ethnic minority professor (tenured and Associate) with a perfect employment record to sign a document which relinquishes virtually all of his legally protected employment rights?

The preservation of civil liberties and rights is an established principle of social justice. How can USF claim to be promoting civil rights if the Administration asks an ethnic minority employee to relinquish, for example, his protection from racial discrimination under the federal Civil Rights Act of 1964?

*The Administration's conduct calls into question the authenticity of the Formal Complaint process, and casts doubt upon the University's commitment to protecting complainants from retaliation in the event of an investigation. Furthermore, the negotiation was conducted in an intimidating and disingenuous fashion. PSOUHP states:*<sup>14</sup>

Individuals who know of harassment, or believe that they have been harassed, in violation of this policy have access to the complaint procedures described below and are encouraged to utilize these complaint procedures.

Yet the effect of "Release and Arbitration Agreement" is punitive. I would receive \$37,365.12 which is rightfully mine to begin with. In exchange, I would give up employment rights which many courageous individuals throughout U.S. history fought for. To place a monetary value on these rights is absurd. Of particular importance to me is the right to a jury trial in the event of retaliation for my complaint—I consider this a fundamental legal safeguard. Also consider the clause<sup>15</sup>

Professor further agrees that the existence and information, facts, circumstances and events related to the disputes, grievances, claims or complaints of Professor up through the execution of this Agreement, are confidential and may never be offered as evidence by Professor Kao, or relied upon or argued by him in any manner, in any dispute, grievance, claim or complaint by him, whatever the subject or time thereof.

This would require confidentiality in the matter of Forced Leave of Absence which took place Spring 2002.

Why did the Administration propose to provide me with a letter explaining the reason I was awarded \$37,365.12 if it expected me to abide by this statement of confidentiality? Of what purpose is such a letter if the content is confidential?

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<sup>14</sup> University of San Francisco Prevention of Sexual & Other Unlawful Harassment Policy, Effective February 7, 2006: pg. 1 [SDA 1 - SDA 7].

<sup>15</sup> Release and Arbitration Agreement [SDA 104 - SDA 106].

The same questions are relevant with respect to my counterproposal in which I requested the Administration provide a signed statement to the effect of “USF believes John Kao filed his Formal Complaint in good faith and confirms that the Administration has no basis for disputing the authenticity of the source documents in *Report of Discrimination*.” The Administration first approved this element of my counterproposal and then later rendered it meaningless by adding the above confidentiality clause. Why would the Administration negotiate in this duplicitous fashion?

I note that the negotiation phase of the Formal Complaint process is not provided for by PSOUHP. It was initiated by the Administration.

I was shocked and burdened by these developments which came while I was caring for my mother. I began to feel depressed and consulted Dr. Lenore Terr. She prescribed a medication for depression. I was reluctant to take any antidepressant medication because I had suffered severe adverse reactions to medication of this type in the past.<sup>16</sup> However, the pressures were substantial, and I began taking her prescription on October 2, the day I returned to campus from Paid Family Leave (Deans Brown and Turpin had granted me a brief extension of this leave).<sup>17</sup> The following week I started experiencing a rare and adverse reaction to the medication which, as I learned, is potentially fatal.<sup>18</sup> By the morning of October 13, I was too ill to teach and called in sick. Dr. Terr recommended that (having ceased the medication) I recuperate for two weeks. I telephoned Dean Turpin the afternoon of October 13 and explained my condition. Dean Turpin said she would notify Human Resources and they would contact me on this matter. I then spoke with Mr. Katzenbach who agreed to telephone Ms. Davis to request a two week leave.<sup>19</sup>

Later, I received a call from Martha Peugh-Wade, Director of Human Resources (now Assistant Vice President of Human Resources).<sup>20</sup> I did not give her specifics of my condition, but rather referred her to Ms. Davis. I informed Ms. Peugh-Wade that Mr. Katzenbach would convey all relevant information through the office of Legal Counsel. In addition, I received in the mail, from Human Resources:

- USF policy statements for Medical Leave;
- forms to be submitted to Sedgwick CMS for Long Term Disability claims, should such be necessary.

By October 24, I had fully recovered. I sent email to Dean Turpin notifying her of this.<sup>21</sup> In Dean Turpin’s email reply she requested that<sup>22</sup>

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<sup>16</sup> *Report of Discrimination*, pg. 19-26. Also, Report of Discrimination, pg. 69-73.

<sup>17</sup> Email from John Kao to Jennifer Turpin, dated October 1, 2006 [SDA 115 - SDA 116].

<sup>18</sup> This may be confirmed by Dr. Terr. Letter from Lenore Terr to Marth Peugh-Wade [SDA 113].

<sup>19</sup> Mr. Katzenbach was unable to reach Ms. Davis but left a message on her answering machine. He later told me later that Ms. Davis did not return his call.

<sup>20</sup> Email from USFconnect Message to USF community dated June 8, 2007 [SDA 26].

<sup>21</sup> Email from John Kao to Jennifer Turpin dated October 24, 2006 [SDA 45 - SDA 46].

<sup>22</sup> Email from Jennifer Turpin to John Kao dated October 24, 2006 [SDA 47 - SDA 49].

- I not resume teaching, but rather, take on administrative duties for the remainder of the semester (maintaining full employment).

Dean Turpin explained her request: frequent change of instructors is confusing to students, and my classes had three instructors besides myself during my absence. She felt that it was best if my current substitutes finish the semester's teaching. Note that *the University, not I, had staffed my classes during this period*. I was willing and able to continue teaching.<sup>23</sup> However, given the ongoing Formal Complaint negotiation, I was in no position to argue with Dean Turpin—I acceded to her request. I spent the latter part of Fall 2006 conducting: research, course development and departmental service. My specific duties were discussed with Peter Pacheco, Chair of Mathematics. My full-time employment resumed on October 25.

On November 16, I was contacted by Ms. Peugh-Wade who informed me that

- Human Resources required a physician's letter explaining my absence October 13 - October 24.

I inquired if I needed to file for Long Term Disability. Ms. Peugh-Wade replied as follows.

- The University sets a fixed number of days, annually, which a faculty member can use as "sick time." The University would pay full salary up to that limit. Beyond this limit, it is necessary to file for Long Term Disability. Use of this sick time requires a physician's letter.
- The number of days I had been absent could be covered by sick time.

Subsequently, Dr. Terr sent an appropriate letter to Human Resources.<sup>24</sup>

Mr. Katzenbach and I waited until spring to address the contract submitted by the Administration. On January 17, Mr. Katzenbach sent the following letter to Ms. Davis. It conveyed a counterproposal.<sup>25</sup>

[SDA Insert follows: 6 pages]

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<sup>23</sup> This may be confirmed by Dr. Terr. See also, letter from Lenore Terr to Marth Peugh-Wade dated November 28, 2006 [SDA 113]

<sup>24</sup> Letter from Lenore Terr to Marth Peugh-Wade dated November 28, 2006 [SDA 113].

<sup>25</sup> Letter from Christopher Katzenbach to Donna Davis dated January 17, 2007 [SDA 107 - SDA 112].



KATZENBACH AND KHTIKIAN

ATTORNEYS AT LAW  
1714 STOCKTON STREET  
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CHRISTOPHER W. KATZENBACH  
W. KENT KHTIKIAN  
KIMBERLY A. HANCOCK

SAN FRANCISCO, CALIFORNIA 94133-2930  
TELEPHONE (415) 834-1778  
FACSIMILE (415) 834-1842

January 17, 2007

In Re: Prof. John Kao

Ms. Donna Davis  
Office of the General Counsel  
University of San Francisco  
2130 Fulton Street  
San Francisco, CA 94117-1080

Dear Ms. Davis:

Professor Kao and I have discussed the draft settlement document you provided. We have a substantial number of changes, as explained below. Enclosed is a revised document incorporating these changes.

1. As you will note from the change in title, Professor Kao is unwilling to agree to an arbitration agreement. He feels strongly that, in settling matters with USF, he should retain all the rights of every other faculty member. He views a separate arbitration provision in this settlement as changing his rights in a significant way.
  - a. In addition, we have eliminated the confidentiality provisions contained in paragraph 5 of USF's draft. We do not desire confidentiality, as this simply creates a situation for potential future disputes between the parties.
  - b. We have also (see paragraph 6 of our draft) eliminated the restrictions on the use of information and facts underlying Professor Kao's complaint if there were to be future disputes. The use of the information contained in Professor Kao's Formal Complaint in the event of a future dispute would normally be proper as background evidence to support new charges. See *National Railroad Passenger Corp. v. Morgan* (2002) 536 U.S. 101, 113. Professor Kao is not willing to give up his right in this respect.
2. Paragraph 1 of our draft states the background of the settlement. Professor Kao feels that a statement of the background of the settlement is necessary.
3. Paragraph 2 of our draft contains a statement as to Professor Kao's good faith in filing the Formal Complaint. In addition, this paragraph:

SDA Note:  
Also Inserted  
as pg. 13

SDA 107

- a. Contains USF's acknowledgment of its commitment to non-discrimination.
  - b. Contains an agreement to appoint a special committee to examine ways to increase diversity in the Departments of Mathematics and Computer Science. Diversity in these departments is an issue about which Professor Kao feels strongly. The appointment of a committee to review this issue is a way of moving this issue forward in a positive and constructive fashion.
4. Paragraph 3 of our draft contains the payment of lost wages for Spring 2002.
  5. Paragraph 4 of our draft contains the release. Please note that that we have limited the scope of the release to "claims, charges, causes of action, grievances, complaints, indemnities and obligations that have accrued on or before the date of this Agreement, but not otherwise". While Professor Kao is willing to release past claims, he does not want to release potential future claims.
  6. Paragraph 5 of our draft contains OWBPA language. We have added the limitation that the waiver applies to claims "that have accrued on or before the date of this Agreement, but not otherwise" to match the scope of the release as applicable to past claims, not future ones.
  7. Paragraph 6 of our draft contains language:
    - a. Reaffirming that the release covers only past claims.
    - b. Professor Kao has all the rights that other faculty enjoy.
    - c. An acknowledgement that any evidence used in support of Professor Kao's Formal Complaint could be used as evidence in support of any future claims to the extent the evidence is relevant to a new claim. As noted previously, this is what current law would normally allow.
  8. Paragraph 7 of our draft contains an agreement to place the settlement agreement and Formal Complaint in Professor Kao's personnel file. As you are aware, copies of Professor Kao's prior grievance did not get placed in his personnel file or maintained in any other USF file of which Professor Kao is aware. Since the Formal Complaint and this settlement

SDA Note:  
Also Inserted  
as pg. 14

SDA 108

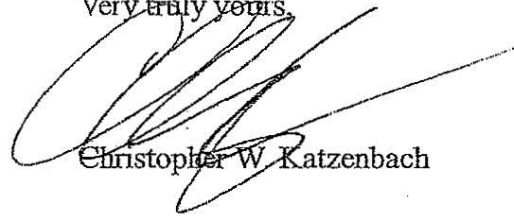
January 17, 2007

are important employment documents, we believe they need to be maintained in the formal files at USF.

9. Paragraph 8 of our draft contains the language USF had in paragraph 7 of its draft.

While we have made substantial changes, we believe that none of our changes affect the basic substance of a reasonable settlement of past disputes. We are simply trying to preserve existing and future rights. Please call me to discuss these matters at your convenience.

Very truly yours,



Christopher W. Katzenbach

Enclosure (1)

SDA Note:  
Also Inserted  
as pg. 15

SDA 109

**Release and Settlement Agreement**

This Release and Settlement Agreement ("Agreement") is made and entered into by and between John Kao ("Professor") on the one hand, and University of San Francisco ("University") on the other hand (together "Parties").

1. Professor is a faculty member of the University, holding the position of Associate Professor with tenure, in the College of Arts and Sciences. On May 15, 2006, Professor filed a formal complaint ("Formal Complaint") with the University pursuant to the University's policies against harassment and discrimination. The University and Professor now desire to resolve the issues raised by Professor in the Formal Complaint.

2. University acknowledges that the Formal Complaint was filed by Professor Kao in good faith on the facts and information known to him as set forth in the Formal Complaint. University further acknowledges that it does not question the authenticity of the documents attached to Professor Kao's Formal Complaint. University has reviewed the Formal Complaint and the issues raised therein. University acknowledges that it is committed to non-discrimination in all aspects of its operations, including employment, recruitment, tenure and academic affairs and administration, and reaffirms this commitment herein. As part of this commitment, University agrees to appoint a special committee to examine ways in which the University could increase diversity in the Departments of Mathematics and Computer Science.

3. In consideration of the mutual promises contained in this Agreement, University agrees to pay Professor the sum of \$ 37,365.12, less tax withholdings and FICA, within 20 calendar days of mutual execution. The parties acknowledge that this compensation is for Professor's unpaid leave of absence in Spring Semester 2002. Professor hereby agrees to withdraw his Formal Complaint and warrants that he has not filed any other grievance, lawsuit and/or charges with any court or government agency, against the University and/or any officer, agency or Professor thereof arising from or out of the matters asserted in the Formal Complaint.

4. In further consideration of the promises contained in this Agreement, for all claims, charges, causes of action, grievances, complaints, indemnities and obligations that have accrued on or before the date of this Agreement, but not otherwise, Professor does release, acquit and forever discharge the University and all its past, current and future officers, employees, agents, attorneys, consultants, investigators, agents, representatives, students, contractors, boards, trustees, insurers and all successors and assigns ("Releasees") of and from any and all, damages, claims, charges, causes of action, grievances, complaints, indemnities and obligations directly or indirectly arising out of, or in any way connected to his relationship with the University of any kind, University employment, including but not limited to age discrimination under the Age Discrimination in Employment Act (29 U.S.C.A. §§ 621-634), the federal Civil Rights Act of 1964, federal Americans with Disabilities Act ("ADA"), federal and state occupational and safety laws, collective bargaining agreements, Family and Medical Leave Act ("FMLA"), California Fair Employment and Housing Act (California "FEHA"), all other state,

local or federal laws, contract, tort, retaliation, constitutional, and/or any employment-related claims, and/or other claims. This release shall be a complete bar to any claims, grievances and lawsuits asserted in contravention of it, no matter the forum.

Professor acknowledges that he has read Section 1542 of the Civil Code of the State of California which states:

A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.

Professor hereby waives any right or benefit which he has or may have under Section 1542 to the full extent that he may lawfully waive such rights and benefits pertaining to the subject matter of this general release.

5. Professor knowingly and voluntarily agrees to waive any rights or claims arising out of or relating to the federal Age Discrimination in Employment Act ("ADEA") (29 U.S.C.A. § 621 et seq.) and the federal Americans With Disabilities Act ("ADA") (41 U.S.C.A. § 12101 et seq.) that have accrued on or before the date of this Agreement, but not otherwise:

- (a) Professor represents and acknowledges that he is waiving rights or claims that he may have arising under the federal ADEA and the federal ADA;
- (b) Professor represents and acknowledges that he had the right to be represented by an attorney of his own choosing in connection with this Agreement and has, in fact, done so;
- (c) Professor knows and understands that he is not waiving any federal ADEA or federal ADA rights or claims that may first arise after the execution of this Agreement;
- (d) Professor knows and understands that in exchange for the waiver of his rights under the federal ADEA and federal ADA, he has received consideration as set forth in Section 3 of this Agreement.
- (e) Professor represents and acknowledges that he has waived the right to have twenty-one (21) days to consider this waiver.

6. The University and Professor acknowledge and agree that the releases contained herein are without prejudice to and shall not affect Professor's rights to bring claims, grievances, complaints, lawsuits or other actions as to events arising, occurring or accruing after the date of this Agreement. University and Professor further agree that Professor retains all rights enjoyed by other professors at the University to bring claims, grievances, complaints, lawsuits or other actions as to events arising, occurring or accruing after the date of this Agreement. Notwithstanding the releases given herein, the University acknowledges and agrees that the documents, facts or other information relating to the Formal Complaint filed by Professor, to the extent relevant to any new or future claims, may be used as evidence in connection with any new or future claim by Professor that arises, occurs or accrues after the date of this Agreement.

7. The University agrees that a copy of this Agreement and Professor Kao's Formal Complaint, with attached documents, will be placed and maintained in Professor Kao's personnel file for the duration of Professor's employment at University.

8. **Sole Agreement:** This Agreement consists of 3 pages and sets forth the parties' entire Agreement. This Agreement may not be altered, amended or modified, nor may a new agreement be reached, except by a further written document signed by Professor and the University. Professor has seven (7) calendar days after execution of this Agreement to revoke it. To revoke this Agreement, Professor must submit a written statement of revocation which must be received by the general counsel of the University within that period. This Agreement will not become effective until the date on which the revocation period expires.

**READ and AGREED:**

\_\_\_\_\_  
John Kao

\_\_\_\_\_  
Date

\_\_\_\_\_  
University of San Francisco

\_\_\_\_\_  
Date

SDA Note:  
Also Inserted  
as pg. 18

SDA 112

March 2007 Mr. Katzenbach contacted Ms. Davis to solicit the Administration's opinion of our counterproposal.<sup>26</sup> *It was summarily rejected on the basis of, as Ms. Davis put it, "not providing closure."* No modifications to the counterproposal were suggested by Ms. Davis. She did not accept even a single clause of my counter proposal. Her response to Mr. Katzenbach's letter verified that no misunderstanding as to the content of the Administration's "Release and Arbitration Agreement" had occurred.

The Administration's contract would deprive me of a broad range of civil liberties and rights guaranteed by U.S. law. The request that I sign such a document is unequivocally discriminatory. The manner in which the request was made (after a three month process initiated by the Administration, and contrary to standard norms of conduct for negotiation) was both intimidating and disingenuous. This act serves as a litmus test for discrimination and harassment. It reveals discrimination at USF of an institutional nature.

The last communication between Mr. Katzenbach and Ms. Davis prompts this *Addendum*. The following sections will elaborate on the implications of events taking place January 10, 2006, to present.

### **Dual Degree in Teacher Preparation Program**

May 2006 I was surprised to learn that Jeff Buckwalter, Associate Professor of Computer Science had been appointed the new Director of DDTP. He succeeded David Galles, Associate Professor of Computer Science. Applications for this position were not solicited by the Administration. Furthermore, the DDTP Curriculum Committee which is supposed to convene monthly had not met at all Spring 2006. I was interested in applying for the Director's position, and I was waiting for some prompt from the Dean's Office of Arts and Sciences. (The year Prof. Galles was appointed Director, the opening was discussed in the DDTP Curriculum Committee meetings.) As the College of Arts and Sciences faculty member with the most experience in DDTP (four years of continuous service on the DDTP Curriculum Committee), I should have had the opportunity to apply. To my knowledge there has never been a CS major enrolled in the DDTP program. In contrast, Mathematics has been one of three accredited single subject programs (the others being English and Social Sciences), and a substantial number of Mathematics majors have graduated from DDTP. Prof. Buckwalter had no experience with DDTP prior to his appointment as Director. In *Breaking the Glass Ceiling Racism & Sexism in Corporate America: The Myths, The Realities, and the Solutions*, Anthony Stith writes<sup>27</sup>

Discriminatory decisions are made behind closed doors. These decisions prevent minorities from receiving equal opportunities. Let's review how these decisions are made:

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<sup>26</sup> Email from Christopher Katzenbach to Donna Davis, dated March 22, 2007 [SDA 18].

<sup>27</sup> Stith, Anthony (1996). *Breaking the Glass Ceiling Racism & Sexism in Corporate America: The Myths, the Realities, and the Solutions*. Bryant and Dillon Publishers, Inc. Orange, New Jersey: pg. 10-11.

ABBA I. TERR, M.D.  
LENORE C. TERR, M.D.  
A MEDICAL CORPORATION  
450 SUTTER STREET  
SAN FRANCISCO 94108

LENORE C. TERR, M.D.

TELEPHONE  
(415) 438-7800

November 28, 2006

Attn: Martha Feugh-Wade  
Associate Director of Human Resources

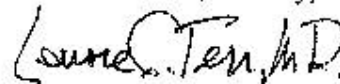
Office of Human Resources LM 339  
University of San Francisco  
2130 Fulton Street  
San Francisco, CA 94117-1080

To Whom It May Concern:

John Kao was ill and under my medical care for twelve days (eight working days) in the month of October (from 10/13/2006 through 10/24/2006). The illness began in relation to an illness in his family and it eventually extended to him. From October 25, 2006 to present, he is recovered and fully able to work.

Thank you for your interest and cooperation with this fine professor.

Yours truly,



Lenore C. Terr, MD

cc: Christopher W. Katzenbach Esq

SDA 113





**Office of Human Resources**  
2130 Fulton Street  
San Francisco, CA 94117  
(415) 422-6707  
[www.usfca.edu/hr/](http://www.usfca.edu/hr/)

*Educating Minds and Hearts to Change the World*

If you need extra copies of this document, please contact the  
Office of Human Resources.

RESPECTING THE DIGNITY OF  
EVERY PERSON:  
Guidelines on How to Recognize  
and  
Prevent Harassment  
in the Workplace

August 2007

## RESPECTING THE DIGNITY OF EVERY PERSON

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Preventing Harassment at USF	8
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Complaints	12
• Investigation	
• Making a Determination	
• If Complainant is Not Satisfied	
• Maintaining Records	
• False Complaints	

## Respecting the Dignity of Every Person: A Core Value at the University of San Francisco

All of us have a right to a work environment free from discrimination and harassment, whether the source is supervisors, staff, faculty or students. In keeping with that principle, the University of San Francisco (USF) has developed policies that reflect its commitment "to advancing a culture of service that respects and promotes the dignity of every person." (Vision, Mission and Values of the University of San Francisco (2001)). This booklet is a companion guidebook to the USF Prevention of Sexual and Other Unlawful Harassment policy (PSOUH), which can be found in Student handbook (Fogcutter), or in Human Resources Office, and on-line at [www.usfca.edu/hr/aaeeo/psouhp.html](http://www.usfca.edu/hr/aaeeo/psouhp.html).

This booklet describes behavior which may constitute harassment, and provides guidelines on how to handle such behavior should it occur. While special emphasis is placed on recognizing and responding to sexual harassment, the same principles and procedures apply to all forms of discrimination and harassment.

### NON-DISCRIMINATION

All employment and academic-related decisions at USF are made without regard to race, color, religion, ancestry, national origin, age, gender, sexual orientation, marital status, medical condition (cured or rehabilitated cancer as defined in Cal. Gov't Code Sec. 12926(h)), disability, or any other basis protected by federal, state, or local law, ordinance or regulation.

### HARASSMENT AND INTIMIDATION

USF is committed to maintaining an environment that is free of harassment and intimidation. Harassment includes any behavior which unreasonably interferes with a person's work/academic performance and/or creates an intimidating, hostile or offensive work/academic environment.

### ACTIVITIES PROHIBITED BY LAW

In addition to being in violation of USF core values and policy, harassment and discrimination may be in violation of state and/or federal laws. Current state and federal law prohibits sexual harassment as well as discrimination in employment and academics.

## What is Harassment?

Any behavior which shows a lack of respect for an individual and individual differences may be a form of harassment or discrimination.

### EXAMPLES INCLUDE:

- Racial epithets or slurs
- Jokes that disparage someone because of his/her race, age, religion, gender, national origin, sexual orientation, or other attribute
- Sabotage (regardless of how subtle) of an employee's work or a student's academic experience
- Physical abuse or assault
- Derogatory posters, cartoons or drawings related to age, race, gender, religion, national origin, sexual orientation, or other attribute
- Calling an adult "boy" or "girl"
- Persisting in the use of any name or term which may be offensive to that individual
- Persisting in physical or facial gestures which may be offensive to the individual
- Verbal comments that stereotype a particular group in a derogatory manner

## Definitions Related To Sexual Harassment And Discrimination

SEXUAL HARASSMENT can take many forms and its determination will depend upon the circumstances. In general, it is defined as:

Unwelcome sexual advances, requests for sexual favors and other verbal, visual or physical conduct of a sexual nature when either of the following two conditions is present:

- Quid Pro Quo (this for that) harassment – when it is explicitly suggested that employment/academic decisions will be based on the employee's/student's response to such suggestions.
- Hostile Work Environment harassment – when an individual's conduct has the purpose or effect of unreasonably interfering with an employee's work performance/student's academic performance by creating an intimidating, offensive or hostile working/academic environment.

SEX DISCRIMINATION occurs when employment or academic-related decisions are based on the gender or when an individual is treated differently because of his or her gender.

## Examples Of Behavior Which May Contribute To Or Constitute Sexual Harassment Or Sex Discrimination

VERBAL – Demeaning and/or sex-based comments, such as:

- Referring to a person by terms such as "hunk, babe, honey," etc.
- Whistling or making cat calls at someone
- Turning work/academic discussion to sexual topics
- Making sexual comments about a person's body
- Making sexual innuendos
- Telling sexual jokes or stories
- Asking about sexual fantasies, preferences or history
- Repeatedly asking a person for a date after that person has said no
- Telling lies or spreading rumors about a person's sex life
- Discussing a person's sex life, including one's own

NON-VERBAL

- Ogling
- Looking a person up and down
- Staring at someone
- Blocking a person's path
- Giving unwanted personal gifts
- Following or constantly hanging around a person
- Having sexually suggestive materials at the workplace/classroom/residence hall (e.g. posters, calendars)
- Making facial expressions, winking, throwing kisses, licking lips
- Making sexual gestures with hands or through body movements

## PHYSICAL

- Touching a person's clothing, hair or body
- Hugging, petting, kissing or stroking
- Giving neck/back massages
- Touching or rubbing oneself sexually in the presence of another person
- Standing close or brushing up against another person

## THIRD PARTY

- Two willing participants engaging in any of the above in the presence of another person

The above examples do not always constitute sexual harassment or discrimination. Whether behavior is deemed sexual harassment or discrimination depends upon a number of factors, including context, i.e., whether this conduct is unwelcome to the recipient or others.

## Can Friendly Behavior Be Sexual Harassment?

It can be difficult to determine when friendly behavior becomes sexual harassment. For example, even if a professor or staff member did not intend to harass a colleague or student, the colleague or student may view it as sexual harassment. It is the **IMPACT** of the behavior, **NOT THE INTENT**, that determines if sexual harassment has occurred.

Any of the behavior described on pages 5 and 6 may be unwelcome and constitute sexual harassment. It may be helpful to ask yourself the following questions:

- Is the power relationship equal between the other person and me?
- Is there equal participation between the other person and me?
- Would I want any of my behavior to be the subject of a news story?
- Would I behave the same way if my spouse/LDA/significant other were standing beside me?
- Would I want someone to act this way to my spouse/LDA/significant other?
- Would I want someone to act this way to my son/daughter/niece/nephew/cousin?

If you answered "No" to any of these questions, your behavior may be unwelcome and may constitute sexual harassment.

## Preventing Harassment at USF

All employees and students should be aware that USF is committed to protecting the dignity of any person and will take appropriate action to prevent harassment. Individuals who are found to have engaged in harassing behavior will be subject to appropriate action and discipline, including, but not limited to:

- Close supervision of conduct
- Verbal warning and/or counseling
- Written warnings in the personnel/student file
- Public or private written apology
- Mandatory participation in special training
- Suspension without pay
- Transfer
- Demotion
- Termination/expulsion

Each harassment complaint is taken seriously and investigated promptly and thoroughly. Retaliatory action against the employee/student who reports harassment will not be tolerated.

## Employee/Student's Response To Harassment

Each employee/student has a right to a humane work/academic environment that is free of harassment, whether from supervisors, staff members, faculty or students. Whether you are the one being harassed, or are a witness to the harassment:

- Do not ignore the behavior.
- Do not assume that someone else will handle the situation.

In addition to reporting concerns you have or seeking advice from available resources, you may wish to take one or more of the following steps:

1. Inform the individual that you consider the behavior at issue to be harassment and tell the person to stop. You do not have to explain or justify why you want the person to stop.
2. You may wish to write a letter asking the person to stop, warning the individual that you will report the behavior if it does not stop. Keep a copy of the letter and give one to management, if necessary.

### **Sample letters**

#### **Date**

*To: (Alleged Harasser's name)*

*Re: Harassment*

*Your (describe offensive behavior) is unwelcome.*

*I am asking you to stop this behavior. If it continues, I will report your actions to your supervisor and Human Resources.*

*(Sign your name)*

OR

**Date**

*To: (Alleged Harasser's name)*

*Re: Harassment*

*Despite the fact that I told you on (date or dates) that your behavior was unwelcome, you continue to (describe offensive behavior).*

*This is my final request for you to end this behavior. If it continues, I will report your actions to your supervisor and Human Resources.*

*(Sign your name)*

3. If the behavior continues or if you are not comfortable taking the above steps for any reason, **report the behavior immediately to any of the resources listed on the next page.**

## Reporting Harassment: Resources Available

The University urges anyone who believes he or she has been subjected to harassment, or has been a witness to possible harassment, to contact one of the resources below to discuss the situation. Because the subject may be particularly sensitive to you, choose the resource with which you feel most comfortable.

- Your immediate supervisor or the next-level supervisor.
- Anonymous calls may be made to 415-422-2833.
- Ms. Elsie Tamayo, University Affirmative Action Officer at 415-422-2833.
- Any member of USF management.
- Your Dean, Director or Department Head.
- Mr. Steve Nygaard, Director of Office of Residence Life at 415-422-6824.
- Ms. Charlene Lobo-Soriano, Director of The Learning Center at 415-422-6841.
- The Counseling Center 415-422-6352.
- The California Department of Fair Employment and Housing (DFEH) (A brochure from the Department of Fair Employment and Housing is available in Human Resources.)

Discussions will be kept confidential to the extent possible. Reasonable efforts will be made to protect the privacy of all parties. However, because USF takes its commitment to maintain a harassment free workplace/academic setting seriously, confidentiality cannot be guaranteed at the expense of a prompt and thorough investigation of all reports of harassment.

## Complaints

### INVESTIGATION

USF will promptly investigate a complaint of harassment and, when appropriate, take corrective action up to and including termination of employment/expulsion from USF. It is a violation of University core values and policy to intimidate, discipline, discharge, or retaliate against any individual because he/she has reported harassment, assisted in an investigation or formally or informally objected to sexual harassment.

### MAKING A DETERMINATION

Both the accuser and the accused will be informed of the results of the investigation and the conclusion reached.

Human Resources will work with management to determine the appropriate action to be taken.

### WHAT IF THE COMPLAINANT IS NOT SATISFIED?

#### APPEAL PROCEDURE

If the person who made the complaint is unsatisfied with the investigation results, he or she may:

- Request an administrative review by sending a letter to Ms. Martha Peugh-Wade, Assistant Vice President of Human Resources, Business and Finance, 415-422-6707, peugh@usfca.edu, or David Philpott, Director of Employment/Labor Relations, 415-422-2458, philpotted@usfca.edu.
- Contact the Equal Employment Opportunity Commission or the Department of Fair Employment and Housing. Phone numbers for each of these organizations are available in Human Resources. A brochure from the Department of Fair Employment and Housing is available in Human Resources.

### MAINTAINING RECORDS

Human Resources will maintain all documents and files relating to the complaint.

### FALSE COMPLAINTS

Any employee/student who knowingly files a false complaint of sexual harassment or who knowingly provides false information to or intentionally misleads persons who are investigating a complaint of alleged sexual harassment, is subject to disciplinary action up to and including termination of employment/expulsion from USF.



---

**From:** Maye-Lynn Gon-Soneda <gonsonedam@usfca.edu>  
**Sent:** Thursday, March 27, 2008 2:14 PM  
**To:** 'Asc Prof John S Kao'  
**Subject:** Response  
**Attachments:** Kao\_Peugh-Wade\_Response-091707.pdf

**Importance:** High

Dear Prof. Kao,

This letter is a response to the two questions you brought up at our February 21 intake meeting. We had agreed that on or around March 24:

1. We would determine if the *Respecting the Dignity of Every Person* handbook ("Respect handbook") applies to staff and faculty
2. Whether or not your complaint will proceed to a formal investigation

The Respect handbook is a complement to the University's Prevention of Sexual and Other Unlawful Harassment policy. As such, its contents apply to University students, faculty staff, administrators, etc. To remain consistent with the appeals process in the Prevention of Sexual and Other Unlawful Harassment policy, your appeal should proceed under the applicable collective bargaining agreement; i.e., USFFA.

Whether or not your original complaint will proceed to a formal investigation will be determined once the review has been completed via the USFFA grievance procedures.

A copy of Martha Peugh-Wade's letter to you, dated September 17, 2007, is attached for your reference.

Sincerely,

Maye-Lynn Gon-Soneda  
Assistant Human Resources Director  
University of San Francisco  
2130 Fulton Street (LM339)  
San Francisco, CA 94117  
415-422-2431  
[gonsonedam@usfca.edu](mailto:gonsonedam@usfca.edu)

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To: John Kao, Associate Professor-Math Dept  
From: Martha Peugh-Wade, Assistant Vice President of Human Resources  
Re: Your August 15, 2007 Report and Addendum  
Date: September 17, 2007

---

I am writing in response to your "Report and Addendum" of 41 pages, dated August 15, 2007, which you filed with my office pursuant to the University's Policy against Sexual and Other Unlawful Harassment (PSOUH).

Section C of the PSOUH states:

"The University encourages students, faculty, staff, administrators, independent contractors and all other individuals engaged in University activities who know of harassment, or believe that they have been harassed in violation of this policy to utilize the complaint procedures described below. **A complaint should be filed promptly if an instance of harassment has occurred or is expected to occur. Unless good cause exists, complaints must be filed no later than one year after the harassment occurs.**" (Emphasis added.)

After reading your Report and Addendum, I find no acts you allege to be either unlawful employment harassment or discrimination against you that occurred within one year prior to August 15, 2007, *i.e.*, acts that occurred on or after August 15, 2006. Additionally, you have not shown good cause for the delay in presenting allegations occurring prior to August 15, 2006, and I am unaware of any good cause for such delay.

To the extent your Report and Addendum seeks to re-file, reactivate or otherwise renew the allegations you first made in your January 2006 complaint, I conclude that you failed to re-file, reactivate or otherwise renew these allegations **promptly** (as required by the PSOUH); that there is no good cause for your not re-filing, reactivating or otherwise renewing these allegations **promptly** (as required by the PSOUH); and that the University should not now once again review the matters that were the subject of your January 2006 complaint.

Even if you had promptly re-filed, reactivated or otherwise renewed your January 2006 complaint, many of the assertions you raised at that time pertained to events which occurred prior to January 2005. Although the University fully reviewed your January 2006 complaint, many of the allegations were not filed promptly at the time and you did not provide good cause for the delay. Again, I conclude that the University should not now re-review your January 2006 complaint.

Notwithstanding the above, even had you promptly filed or reactivated a complaint under PSOUH, I note your Report and Addendum contains assertions that other University faculty members were appointed to positions for which you did not apply. As to these

assertions, I conclude that no adverse employment action against you took place, because the University did not deny any request, application or petition you submitted.

Furthermore, although your Report and Addendum makes various assertions about FMLA, your assertions themselves show that the University granted you all leaves required by the FMLA.

Additionally, your Report and Addendum makes various assertions about compliance with the ADA. Your assertions, however, do not show the University denied requests for reasonable disability accommodations of the kind required by either the ADA or the California law equivalent of the ADA

With regard to your assertions of violations of the collective bargaining agreement between the University and the USFFA, the exclusive procedure to present such assertions is through the grievance procedure contained in the collective bargaining agreement. Alleged violations of the collective bargaining agreement are not reviewable under the PSOUH.

It is not proper for me to comment on your assertions regarding the privileged and confidential dispute resolution negotiations involving the respective attorneys for you and the University.

Finally, your Report and Addendum contains many facts which lead me to conclude that there were no adverse employment actions or acts of harassment against you at the University based on your race and/or national origin.

For the reasons described above, the University will take no further action on your Report and Addendum or any other documents you have filed under the PSOUH through today's date.

cc: Jennifer Turpin  
Else Tamayo  
Donna Davis

---

**From:** Asc Prof John S Kao <kao@usfca.edu>  
**Sent:** Tuesday, February 19, 2008 10:20 AM  
**To:** Maye-Lynn Gon-Soneda  
**Cc:** ckatzenbach@kkcounsel.com; khancock@kkcounsel.com; kao@usfca.edu  
**Subject:** Re: Schedule an intake meeting-Please confirm

February 19, 2008

Dear Maye-Lynn,

Thank you for your correspondence. I confirmed my counsel's availability this morning. I look forward to meeting you

Thursday, February 21 at 10:00 am  
Office of Human Resources, LM 307.

Thank you for your attention.

Sincerely,

John Kao  
Associate Professor  
Mathematics, HR 219

----- Original Message -----

From: Maye-Lynn Gon-Soneda <gonsonedam@usfca.edu>  
Date: Friday, February 15, 2008 7:37 am  
Subject: Schedule an intake meeting-Please confirm  
To: 'Asc Prof John S Kao' <kao@usfca.edu>  
Cc: peugh@usfca.edu

> Greetings, John. Thank you for the list of possible intake meeting  
> dates.  
> Let's plan to meet on Thursday, February 21, at 10:00 a.m. I  
> understand that you wish to have legal counsel attend this meeting.  
> Generally, intake  
> meetings are one-on-one discussions for the purpose of information  
> gathering.  
>  
> We have allowed a third-party to be in attendance at intake meetings,  
> however, that individual is there only as an observer. If you accept  
> this arrangement, please confirm our meeting date, February 21, 10:00  
> a.m., in my office at Lone Mountain #307.  
>  
> Thank you, John.  
>  
> Maye-Lynn Gon-Soneda  
> Assistant Human Resources Director

> University of San Francisco  
> 2130 Fulton Street (LM339)  
> San Francisco, CA 94117  
> 415-422-2431  
> [gonsonedam@usfca.edu](mailto:gonsonedam@usfca.edu)

>

> -----Original Message-----

> From: Asc Prof John S Kao [mailto:kao@usfca.edu]  
> Sent: Tuesday, February 12, 2008 5:03 PM  
> To: Maye-Lynn Gon-Soneda  
> Cc: brownb@usfca.edu; turpinj@usfca.edu; peugh@usfca.edu;  
> davidjdj@usfca.edu;ckatzenbach@kkcounsel.com;  
> khancock@kkcounsel.com; kao@usfca.edu  
> Subject: Fwd: Re: Schedule a meeting

>

>

> February 12, 2008

>

> Dear Maye-Lynn,

>

> I spoke with my legal counsel this afternoon, and we are available to  
> meet anytime on the following:

>

- > - Tuesday, February 19
- > - Thursday, February 21
- > - Tuesday, February 26
- > - Thursday, February 28.

>

> Please let me know what works best for you and your office--if  
> necessary we can propose further dates.

>

> Thank you kindly for your attention.

>

> Sincerely,

>

> John Kao  
> Associate Professor  
> Mathematics

>

>

>