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VNC in AVP Yildirim

Senator Chen

May 11, 2020



WE DEFINE THE *Future*

Division of Academic Affairs
Office of the Provost and Vice President

CALIFORNIA STATE UNIVERSITY, SAN BERNARDINO
5500 University Parkway, San Bernardino, CA 92407

909.537.5024 | fax: 909.537.7015
<https://www.csusb.edu/academic-affairs>

May 10, 2021

Dear Senators,

I write to respond to the allegations against Associate Provost Seval Yildirim in the proposed Resolution included in the Senate Agenda. The accusations are based on misinformation and misrepresentation at best, and at times read like outright personal attacks. Therefore, I am compelled to respond in turn, especially given that some of the allegations hold AP Yildirim responsible for matters and areas not in her purview, responsibility or authority. I fully support, along with the entire cabinet, AP Yildirim, and am very disheartened by this Resolution. Words like “incompetent” are inappropriate, unnecessary, and personal.

This Resolution does not advance the important work of the institution that we must do together, including our major focus on the campus repopulation plan so that we can bring our students, faculty and staff back safely and continue to fulfil our educational mission. This has been an exhausting process and one that I hope the Senate is willing to contribute to, instead of focusing energy on personal attacks and accusations against a university employee.

Following the paragraph numbering in the Resolution, please see below for clarification and explanation of the attacks and accusations listed in the Resolution.

Resolution. Words like “incompetent” are inappropriate, unnecessary, and personal.

This Resolution does not advance the important work of the institution that we must do together, including our major focus on the campus repopulation plan so that we can bring our students, faculty and staff back safely and continue to fulfil our educational mission. This has been an exhausting process and one that I hope the Senate is willing to contribute to, instead of focusing energy on personal attacks and accusations against a university employee.

- “Incompetent” is “personal?”
- Other evidence of “personal attacks?”

Graciela Moran; Gwendolyn Brower; Haakon Brown; Helena Addae; Hosung So; J. Paul Vicknair; +19 others
Cc Tomás Morales; Katherine Hartley; Samuel Sudhakar; Robert Nava; Paz Olivérez; Douglas Freer; Shari Mc
Rafik Mohamed; Lawrence Rose; Chinaka DomNwachukwu; Rueyling Chuang; Sastry Pantula; +5 others



Executed Response to Senate_May 10, 2021.pdf
368 KB

Executive ?

Dear Faculty Senate:

Attached, please find a communication sent on behalf of campus leadership in support of Associate Provost

May 10, 2021

To: Faculty Senate:

RE: Response to Resolution of Vote of No Confidence in AVP Yildirim

We, the undersigned, write to offer our full and unequivocal support for Associate Provost and Co-Chief Diversity Officer (AP/CDO) Seval Yildirim. Further, we submit this statement as uniform and emphatic rejection of the claims against the AP/CDO put forth in the "Resolution of Vote of No Confidence in Associate Provost for Faculty Affairs and Development Seval Yildirim" submitted for consideration at the May 11, 2021 meeting of the CSUSB Faculty Senate. We respectfully urge the Faculty Senate to withdraw this resolution.

We do not believe that this is the appropriate forum to refute or otherwise litigate the numerous inaccuracies and falsehoods made against the AP/CDO in the "Resolution." However, we want it made clear that we categorically reject each of the three Articles put forth in the "Resolution," and we genuinely wish to resolve any reasonable concerns of the Faculty Senate in a manner that restores civility and productivity in their partnership with our campus administration, student leadership, and staff members.

Since her arrival at CSUSB, AP/CDO Yildirim has been working tirelessly to advance our institution's core values of inclusivity, integrity, equity, respect, and transparency. She has demonstrated an unyielding dedication to collegial collaboration with an emphasis on promoting a safe, healthy, and well-functioning workplace for all members of our campus community. She resolutely carries out her duties as AP/CDO in a consistently fair and supportive manner, with an intention to ensure respect for the due process rights of all parties. She is also among the most professional, responsive, and equity-minded leaders we have on our campus.

We, the undersigned, have uniformly embraced strategic initiatives to create a diverse and inclusive campus environment including those focused on drawing awareness to the implicit and unconscious biases held by us all, whether we wish to acknowledge those biases or not. In that spirit, we implore the architects of this "Resolution" to consider their own latent prejudices and microaggressions. It is not missed on us that this "Resolution of Vote of No Confidence" – the second put forth by the Faculty Senate of the California State University, San Bernardino in the last four years – targets another administrator of color who, in this case, also happens to be a religious minority. Along those same lines, we would also like to highlight that several of the grievances articulated in the "Resolution" appear to be in direct response to the AP/CDO's efforts to advance our campus' strategic objective to increase the diversity of tenure-line and adjunct faculty, and to improve the climate of inclusion and support. Campus leadership has regularly asked Faculty Senate leadership to serve as an active partner in efforts to expand our cadre of exceptional faculty into one that more fully represents the cultural and experiential richness of the larger communities we serve, and we continue to welcome that alliance. It is essential for productive relationships and the advancement of CSUSB's mission.

We are troubled and disappointed by this "Resolution" and the increasingly antagonistic actions of some of the more outspoken members of CSUSB's Faculty Senate. Candidly, we feel that these behaviors are tantamount to bullying and are not in keeping with the Faculty Senate's professed commitment to "highly-collegial, productive relations with all the constituent units of the University." We feel very

fortunate to work with outstanding faculty colleagues, the vast majority of whom regularly demonstrate a deep dedication to collaboratively advancing CSUSB's mission and honoring the trust extended to us to serve our students and community. We remain committed to building and maintaining a productive partnership with our campus faculty, students, and staff that truly embodies the spirit of collegiality and shared governance. To achieve a better CSUSB and to continue to serve our community, we must work collaboratively despite our different perspectives.

Signatures:

Dr. Tomás D. Morales

Dr. Tomás D. Morales (May 10, 2021, 1:56 PM)

Tomás Morales, President

Shari McMahon

Shari McMahon (May 10, 2021, 3:01 PM)

Shari McMahon, Provost and Vice President, Academic Affairs

Douglas R. Freer

Douglas R. Freer (May 10, 2021, 3:03 PM)

Douglas Freer, Vice President and Chief Financial Officer, Administration & Finance

Robert Nava

Robert Nava, Vice President, University Advancement & Executive Director for CSUSB Philanthropic Foundation

Samuel Sudhakar

Sam Sudhakar, Vice President and Chief Information Officer, Information Technology Services

Rueyling Chuang

Rueyling Chuang, Dean, College of Arts and Letters

Lesley Davidson-Boyd

Lesley Davidson-Boyd (May 10, 2021, 3:41 PM)

Lesley Davidson-Boyd, Interim Dean, Undergraduate Studies

Chinaka DomNwachukwu

Chinaka DomNwachukwu, Dean, College of Education

Tatiana Karmanova

Tatiana Karmanova (May 10, 2021, 3:43 PM)

Tatiana Karmanova, Dean, College of Extended and Global Education

Rafik Mohamed

Rafik Mohamed, Dean, College of Social and Behavioral Sciences

Sastry Pantula

Sastry Pantula, Dean, College of Natural Sciences

- Aren't this personal attacks?

We, the undersigned, have uniformly embraced strategic initiatives to create a diverse and inclusive campus environment including those focused on drawing awareness to the implicit and unconscious biases held by us all, whether we wish to acknowledge those biases or not. In that spirit, we implore the architects of this "Resolution" to consider their own latent prejudices and misapprehensions. It is not missed on us that this "Resolution of Vote of No Confidence" – the second Senate of the California State University, San Bernardino in the last four years, an administrator of color who, in this case, also happens to be a religious minority

I have worked with many of you and will continue to do so. I have not thought – and shall not think – that your disagreement with me is due to my ethnic background.

Racism and a Motion of No-Confidence

- A motion of no confidence is a vote on whether a group of people still has confidence in a government or leader.
- It is a senator's right to make such a motion.
- Such a motion should pass or fail on its own merit.
- To accuse of the movers of such a motion of being racially prejudiced is a way to silence them.
- I, for one, am saddened by this "Executed Response." for I would like to think the leaders of the university are above this oft-used tactic.
- I welcome those who are present today to provide evidence of me being racially prejudiced.

Some of you have seen this from a faculty colleague:

Fourth, it is important that the Senate remember its civility and espousal of collegiality, as well as the limits of its own shared governance. The tone of the resolution is **nasty**, and its intent is to demonize the administrator, in this case AVP Yildirim. The Senate is a deliberative body and espouses shared governance. **The resolution reads like a contentious civil suit, hurtling accusations at the opposing party.**

Some of you have also seen emails from your deans and chairs.

Fellow Senators,

Debate on a motion at an assembly such as this is supposed to be a democratic exercise of the right to deliberate, freely, independently, without pressure or coercion, and without fear of reprisal. I trust that we will be able to achieve that.

I, representing a group of senators, respectfully ask you to consider approving the following Resolution of No-confidence, based on nothing but facts. I will assume that you have read the Resolution and its dozens of exhibits. I will combine the Resolution with the Provost's Response.

1 RESOLUTION OF VOTE OF NO CONFIDENCE IN ASSOCIATE PROVOST FOR
2 FACULTY AFFAIRS AND DEVELOPMENT SEVAL YILDIRIM

3
4 Faculty Senate of California State University, San Bernardino

5 May 11, 2021

6
7 *Whereas* The Associate Provost for Faculty Affairs and Development (FAD AVP) Seval Yildirim
8 has shown a consistent disdain for shared governance as stipulated by the California
9 Higher Education Employer-Employee Relations Act (HEERA), has proven to be an
10 incompetent administrator, and has demonstrated a remarkable degree of unprofession-
11 alism in conduct, and

12
13 *Whereas* AVP Yildirim has been made aware of the issues and problems presented in this
14 Resolution; and yet, she has refused to acknowledge any wrongdoing, to take respon-
15 sibility for any failure, and is deviating further and further away from what is expected
16 of an academic administrator in an institution of higher learning, and

17
18 *Whereas* The nearly three-year tenure of AVP Yildirim has done much damage to the operation
19 and climate of Academic Affairs. Academic Affairs (and the university) cannot fulfill
20 its mission with AVP Yildirim at the helm of FAD; be it therefore

21
22 *Resolved* That the faculty of California State University, San Bernardino (CSUSB) have no
23 confidence in the ability or temperament of AVP Seval Yildirim to lead the office of
24 FAD in any and all aspects of its mission; and be it further

25
26 *Resolved* This Resolution be transmitted to Provost Shari McMahan, President Tomás Morales,
27 CSU Chancellor Joseph Castro, CSU Board of Trustees, the CSU Academic Senate,
28 CSU campus senate chairs, the California Faculty Association, and CSUSB Associated
29 Students Inc.

Article 1. Disregard of Shared Governance

1.1.1

Last year, the Faculty Senate passed a resolution indicating that the Faculty Senate will enhance diversity. Senate Vice Chair Dr. Donna Garcia and the Faculty Senate's Advance Grant show that in order to enhance faculty diversity, the Faculty Senate will process, with diversity checks.

Following the Senate recommendation that the Administration do more to increase faculty diversity, this year we asked all departments seeking faculty lines to submit a diversity action plan prior to the line approval. All search committees agreed, *in writing*, to submit initial, semi-finalist and finalist applicant pools to Faculty Affairs for a diversity check and approval. This was not a mandate from AP Yildirim, nor a unilateral move by AP Yildirim as the accusations claim. Again, these steps are meant to ensure that we run equitable searches. It seems hard to imagine we would not do what we absolutely could do to increase diversity and I sincerely hope that the Senate feels the same.

- The senate resolution was passed in 2020. What about prior?
- “In Writing”: Evidence? The VNC resolution provides evidence for its claim.

Section 1.1.2. “Recommending candidates”

1.1.2

The Associate Provost of Faculty Affairs has a right to *recommend* or *suggest* candidates be added to the pool in order to enhance the diversity of the pool. Recommendations or suggestions are not mandates, and the decision still remains with the committee. In fact, in the example provided with the HSCI chair search, the search committee decided to reject AP Yildirim’s recommendation, with no consequences.

Also, AP Yildirim has no authority to grant departments faculty lines, or cancel faculty searches, therefore claiming her actions are inappropriate shows a lack of understanding of the limitations of her authority. Moreover, due to privacy laws protecting personal information of candidates, AP Yildirim’s office is the only office with access to candidates’ demographic information. ~~Where an underrepresented candidate with objectively better qualifications (per the requirements in the job posting) is eliminated and other candidates are advanced, AP Yildirim has a *duty* to inquire further.~~ Without these recommendations and suggestions, the diversity checks would be meaningless, as we cannot presume to know the demographic identification of a candidate without actually knowing how the candidate has identified themselves in the system. Nor can the committee ask candidates for that information. Again, only AP Yildirim’s office has this information. Our diligence on this front has yielded us great benefits in the past. Using terminology like “unfounded claim” regarding the finalist list was not diverse enough is inappropriate, as the authors of the resolution lack both applicable data and expertise to make that determination.

- April 13 meeting: Indication that the Provost had told the EC that giving committees names is inappropriate. Has the Provost changed her mind?
- So, this shall happen in the future?

Citation?

Multiple Committees

Evidence?

1.1.4

Each search should have a search committee. The problem is that the same faculty sitting on all of the committees is not a recommended best practice for recruitment of diverse faculty, as again Senate Vice Chair Garcia can confirm based on her research with the Advance grant.

As for the related point regarding a chair's alleged dismissal: first, AP Yildirim has no authority to appoint or dismiss chairs. Second, it is simply *factually inaccurate* to state a chair was dismissed for this. The chair was dismissed for other personnel reasons, and an investigation, conducted by an external investigator, supported the University's position.

Can you rebut the evidence linked in the VNC Resolution?

SOTE Administration

1.2

Neither AP Yildirim, nor her office, administers SOTEs. Therefore, AP Yildirim cannot be held responsible for something that is not in her department. Her memoranda are informative. Simply because she informs faculty of issues that apply to them does not render her responsible for every piece of information in her memoranda.

According to FAM 820.5, "Faculty members shall then, at a convenient time between the eighth and tenth week of classes, select a student in each class to administer the SOTEs in accordance with the written instructions. For hybrid/blended courses, SOTEs will be administered if possible in a face to face class session between the eighth and tenth weeks; if there is no face to face session scheduled in this period, the SOTE will be administered online. For courses offered under an alternative time format, SOTEs will be administered at an appropriate time during one of the last two class sessions."

The language quoted in this policy is taken from a revised FAM that has not been approved by the President.

Also, had the Senate committees worked on updating the FAMs as they were all compensated to do during Q2S, and requested to do this year, these issues regarding time sensitivity would not have occurred. It became impractical for SOTEs to be administered electronically at a time of one's choosing. Mimicking the previous FAM, the window was similar but applied to the semester system. It is important to ensure equity that students have a reasonable time to provide feedback regarding their instructors.

The release of SOTEs to faculty, before final grades were due, has nothing to do with AP Yildirim. Neither AP Yildirim nor Faculty Affairs control the actual database that administers the SOTEs, thus have no responsibility for the system in question. A technical glitch cannot be attributed to an administrator that has no responsibility for or control over the system in question. Moreover, the technical glitch was corrected as soon as we became aware of it.

If the AVP for
FAD is not
responsible for
SOTE
administration,
who is?

Chair Review

1.3

There was no “chairs policy,” nor did AP Yildirim ever draft a chairs policy. The Provost’s Office worked with Faculty Affairs and Development to develop a process for providing annual feedback to chairs. This is not a violation of the FAM but an addition to the FAM to help the chairs in their development and continued success as leaders in Academic Affairs. The additional feedback process was a *proposal* to the chairs, and when the chairs objected, AP Yildirim met with the chairs and recommended to me that the proposal be withdrawn. Instead, AP Yildirim has created structures to better support our chairs. She has since been meeting regularly with the chairs. During the early stages of the COVID-19 pandemic, AP Yildirim met with our chairs weekly, and now the meetings occur biweekly. All the chairs have access to AP Yildirim by phone anytime they need

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Some on the senate and in the audience today were chairs at the time. Ask yourself about the accuracy of is said here.

help, input, guidance or support. AP Yildirim continues to provide support to the chairs so that our chairs can continue to thrive and grow in their leadership roles and we can move our institution forward together. I trust the chairs will confirm this collaborative and supportive relationship they have with AP Yildirim.

Article II. Neglect of duties

Article II

2.1.

This is entirely incorrect. It is not in AP Yildirim's job duties to update FAMs. In fact, that is the Senate's job and the FAMs are developed and maintained by the Senate. Every committee member of FAC and EPRC during Q2S received reassigned time to update the FAMs. Post-Q2S, as well as pre-Q2S, chairs of these committees receive reassigned times for their additional commitment to processing FAMs.

I am unclear as to what the accusation in this paragraph really asserts. It would be entirely inappropriate for AP Yildirim to update any FAM, as, again, that is the Senate's purview and responsibility. This accusation alone supports my earlier comment about the Resolution reading like a personal attack on AP Yildirim.

2.2.

As explained above, AP Yildirim's job, as both Associate Provost and Co-Chief Diversity Officer, is to do thorough diversity checks and ensure that the searches are conducted fairly and equitably. AP Yildirim has been an excellent asset to our campus in our faculty diversification efforts. Her leadership as both Associate Provost and the Co-Chief Diversity Officer has yielded increased faculty diversity on our campus, and recently the Chancellor's Office recognized CSUSB to be in the top 5 of the 23 campuses for diverse hires.

2.3

This accusation is simply *factually incorrect*. It is common for a faculty member to simultaneously file an EO 1096 filing and a contractual grievance on the same concern. While Faculty Affairs does have responsibility to administer the contractual grievance, that grievance is placed in abeyance until the EO 1096 complaints are fully administered. AP Yildirim does not oversee EO 1096 cases, which are administered by the DHR Officer, and therefore, it would be inappropriate to hold her responsible for any delays.

2.4

AP Yildirim oversees a large portfolio, which does not include researching potential policies. While she may have said she would look into the matter to help out the FAC, it is *not* her job to report back to the Senate or its committees on research on a specific issue. In fact, as the Provost, I formed the Spousal Hiring Task Force so *the faculty* could conduct relevant research and develop recommendations based on best practices on spousal hiring in higher education. It was never AP Yildirim's job or responsibility to provide the research. I also assigned AP Yildirim to consult with the Spousal Hiring Task Force, as she had also successfully served in a similar consultative position on the Tenure Track Hiring Task Force.

I am a bit speechless here about the deny.

Remember this is about delay beyond what the policy stipulates.

Evidence in the Resolution is based on a CFA Open Letter. It was never disputed until now.

“Oversees a large portfolio,” Therefore it is okay to not do what has been agreed upon.

Article III. Unprofessionalism in Conduct

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3.1 Lack of honesty

In Section 1.2 (above), evidence is provided of AVP Yildirim’s imposition of a new chair review policy. In that process, AVP Yildirim’s dishonesty was in plain sight. The agenda [\[Link\]](#) of the Chairs Council meeting lists “Updates from Seval Yildirim and” At the meeting, however, FAD AVP produced a well-planned and brand-new policy [\[Link\]](#) under that item, hardly an “update.”⁴

3.1

Please see my comments in section 1.3. To reiterate, there was no mandated chair review. The *proposed* document was meant to provide a process for providing annual feedback to chairs. AP Yildirim did not singlehandedly author the document as is implied here. Most importantly, when the chairs objected, she instead forged a collaborative and supportive relationship with them, through regular meetings and continuous

Collegiality and Respect?

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Could you please confirm whether you are refusing to comply with the dean's and my request? That there is no violation of the FAM does not mean that the Dean cannot ask for additional issues to be resolved [[Link](#)].

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To be clear-you are not asked to draft or develop policy but rather asked to research, gather and report on best practices in spousal hiring and that research will necessarily involve looking at other universities and their existing policies. You are not asked to weigh whether best practices are within the scope of the CBA. [underline original]

Concluding paragraph

Provost, I know
you know better.

As for the concluding paragraph of the resolution: While faculty members have a right to speak out against administrators, they do not have the right to make statements without actual knowledge of the relevant facts. Maligning an employee by accusations based on presumption, unsubstantiated claims, and misunderstandings is at best inappropriate and unwelcome in our community. At worst, they may constitute harassment and defamation. This is especially concerning when the administrator in question is a woman of color, who also serves as a chief diversity officer, and has been very successful in moving our institution forward on DEI matters, both in terms of supporting our faculty, staff and students of color, and in terms of increasing our faculty diversity. AP Yildirim was recently invited by the Chancellor's Office to present on faculty diversity to other Faculty Affairs AVPs in the system. I invite the Faculty Senate to support AVP Yildirim in her unwavering commitment to faculty diversity in recruitment and retention, and update the FAMs so that we can incorporate additional best practices in diverse faculty recruitment and retention.

I also invite the Senate to support AP Yildirim, a female administrator of color, who was the first Muslim woman and only the second Muslim, to be appointed to the rank of associate dean at an American law school, and has a career of advancing equity and inclusion both through her scholarship on Islamic law and Muslim communities and her pro bono work on behalf of Muslims and other religious minorities in U.S. courts.

In Closing

- The Resolution lists serious issues with AVP Yildirim, with exhibits.
- It is fair to challenge these facts with counter-facts.
- Has the Provost's response—without one single exhibit—provides no credible challenges to the facts.
- Senators: it is up to you to decide whether we can continue to allow policies to be deviated from, to have search committees be given handpicked names, to lower the bar on competence and professionalism.
- We trust your judgment of facts, your commitment to our university, and your conscience.