

California Institute of Integral Studies

Report of the Faculty Hearing Board

For Richard Shapiro

Prepared by the Hearing Board members:

Tanya Wilkinson, Chair
Jim Ryan
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I. Introduction

The Hearing Board held two hearings on Richard Shapiro's case, November 4, 2011 from 1 pm to 6:15 pm and November 5, 2011 from 1 pm to 4:45 pm. Attending both days of hearings were the following: Richard Shapiro; Academic Vice-President Judie Wexler and Dean of Students Shirley Strong; the court reporter who transcribed the sessions; and the Hearing Board members: Tanya Wilkinson, Chair, Jim Ryan, and Brant Cortright. The hearings were held at 222 Front Street, Suite 600, San Francisco, CA. A complete transcript of the sessions will be made available to all parties. Prior to the hearings, procedures were established by which documents could be entered into the official record of the Hearing Board, and each party received a copy of this written record prior to the actual hearings.

The Hearing Board closely examined the official record that included: the original report on the investigation into the Social and Cultural Anthropology Department conducted by the Academic Vice-President and the Dean of Students, the detailed response to this report by Richard Shapiro, letters from over 50 students, Richard Shapiro's personnel file, numerous emails and correspondence between the administration and Richard Shapiro, and many other documents.

Witnesses testified for about one-half hour and were then questioned by the other side for about one-half hour. On the first day of the hearings AVP Wexler and Dean Strong presented five witnesses, each of whom was questioned by Richard Shapiro with some additional questions from the Hearing Board. On the second day Richard Shapiro presented five witnesses, with some questions from AVP Wexler and Dean Strong and some additional questions from the Hearing Board. The Hearing Board deliberated privately on November 10, 2011 to reach its conclusions.

II. Summary of Charges

The four charges are as follows:

- 1) Knowing or reckless violation of established legal rights of students to confidentiality, to non-discrimination, non-harassment and non-retaliation as provided for by the policies of the Institute; and to the faculty services due to them under Institute policies and practices.
- 2) Knowing or reckless violation of the professional ethics of the Institute or of the rights and freedom of fellow students, faculty or administrators.
- 3) Dishonesty, including misapplication of funds.
- 4) Persistent failure to perform position-related assignments or other neglect of academic duties.

III. Conclusions of Hearing Board with Respect to the Charges

- 1) Knowing or reckless violation of established legal rights of students to confidentiality, to non-discrimination, non-harassment and non-retaliation as provided for by the policies of the Institute; and to the faculty services due to them under Institute policies and practices.

The Academic Vice-President and Dean of Students did satisfy their burden to prove the validity of this charge by means of evidence that the Hearing Board found to be reliable.

- 2) Knowing or reckless violation of the professional ethics of the Institute or of the rights and freedom of fellow students, faculty or administrators.

The Academic Vice-President and Dean of Students did satisfy their burden to prove the validity of this charge by means of evidence that the Hearing Board found to be reliable.

- 3) Dishonesty, including misapplication of funds.

The Academic Vice-President and Dean of Students did satisfy their burden to prove the validity of this charge by means of evidence that the Hearing Board found to be reliable.

- 4) Persistent failure to perform position-related assignments or other neglect of academic duties.

The Academic Vice-President and Dean of Students did satisfy their burden to prove the validity of this charge by means of evidence that the Hearing Board found to be reliable.

Further, the Hearing Board supports the actions of the Academic Vice-President and Dean of Students in recommending that Richard Shapiro be relieved of all duties and dismissed from the Institute but be given pay for the rest of the academic year. The Hearing Board believes that there is a substantial risk of further damage to students and CIIS unless such immediate action is undertaken.

IV. Summary of Reasoning for Conclusions of Hearing Board

The Hearing Board was unanimous in its conclusions. The evidence was strong and compelling. We believe almost any three faculty members would have come to the same conclusions.

One of the most disturbing aspects of Professor Shapiro's testimony was his unwavering and uncritical support of Professor Chatterji, despite a great deal of evidence that her behavior has harmed students. His complicity in creating a climate of fear and intimidation centered around a cult-like idealization of Professor Chatterji was deeply disturbing to the Hearing Board. His refusal to recognize this, his denial that anyone has been harmed by the program and the atmosphere he co-created with Professor Chatterji, give little hope for reform or remediation.

It seems clear from student testimony and from Professor Shapiro's statements that requirements, written guidelines and expectations in the SCA program were not held in a consistent and fair way. For example, requirements stated in the evaluation section of a syllabus might be enforced with some students, but ignored or changed with others. Students were being assessed on unequal terms, and they knew it. Such practices are a form of discrimination in which people are treated differentially, depending on their relationship with the instructor. Such practices create a hierarchy among students, and foster an atmosphere of favoritism. The fact that Professor Shapiro established and maintained dual and multiple relationships with students also contributed to a factionalized student body.

The following statement on dual and multiple relationships was published in the American Association for Higher Education and Accreditation Bulletin: "To avoid conflict of interest, a teacher does not enter into dual-role relationships with students that are likely to detract from student development or lead to actual or perceived favoritism on the part of the teacher.... the perception of favoritism on the part of other students is as educationally disastrous as actual favoritism or unfairness".

It appears that this is exactly what has happened in the SCA program. Multiple students report being treated unfairly, report assuming that they will be treated unfairly if they displease faculty, report observing favoritism, report being treated with favoritism themselves. Taken in conjunction with inconsistent and dishonest grading practices (described below), these dual relationships served to create an atmosphere of insecurity and lack of clarity among SCA students, prompting at least some of them to become excessively concerned with their standing as favored or unfavored, liked or disliked. It is a Professor's responsibility, and especially a Program Director's responsibility, to be aware of and attendant to the potential harm of dual and multiple relationships.

Professor Shapiro has admitted giving grades for work which was not completed. The normal, ethical practice when required work is not finished within the semester is to assign a grade of incomplete. By giving grades for work that is specified in the syllabus as a requirement but which was not completed, Professor Shapiro has given false grades, as defined by both WASC and the Department of Education. According to at least one witness, Professor Shapiro also indicated that he was aware that Professor Chatterji gave such grades, as Professor Chatterji has admitted doing. This seems to strongly indicate that this type of falsified grade was a

departmental policy, a policy that the Program Director might be responsible for. Even at the time of the hearing, Professor Shapiro did not understand that there is no legal, acceptable reason for giving what he calls "honor" grades. Such grades are fraudulent, no matter what the instructor's motivation is for giving them. That such practices imperil the entire Institute does not appear to be even a concern.

In addition, Professor Shapiro admitted to having signed blank change of grade forms, a practice that allowed forged forms to be submitted to the registrar. In sum, Professor Shapiro's own grading practices were dishonest and his cavalier behavior, as a Program Director, towards the correct procedures for submitting forms created an environment which fostered dishonesty. These admitted practices lend credence to testimony in which students report being given grades for Independent Studies in which they did no work and for regular courses that they never attended. The Program Director's unwillingness and/or inability to take responsibility for these behaviors and their consequences make it plausible that other ethical violations might easily go unaddressed in SCA.

Behaviors described above represent failures to perform position related assignments. In addition to these Professor Shapiro has apparently failed in important aspects of his position as a Program Director. For example, students advance through the SCA program very slowly and a higher than usual percentage of students, in comparison to other CIIS programs, drop out of SCA before taking a degree. Professor Shapiro, when asked, attributes this to a variety of causes—taking in too many students, the nationwide averages for Anthropology Candidates, etc., --but he does not seem to reflect on the possibility that this lack of progress means something important about the way in which his program has been functioning. Students who have been in the program for 8 years without producing a dissertation proposal, or have taken a proposal writing seminar 7 times without success should alert the concern of a Program Director, not just in regard to the individual student, but to the implications such incidents hold for the running of the Program. The extremely high percentage of Incomplete grades given in SCA classes should also be a topic of concern to the person running the program, but, in this case, it is not.

The Hearing Board did not find credible Professor Shapiro's denial that he had ever violated confidentiality. This directly conflicts with plausible student testimony to the contrary, and given how often boundaries were violated in the program, it strains believability to think that confidentiality was as sacrosanct as he maintained.

It is also the Program Director's job to hire, train and supervise both core and adjunct Faculty. Although both Professor Shapiro and Professor Chatterji complain about having an "impossible" workload, Professor Shapiro has not been able to recruit and retain additional core or adjunct faculty. His relationships with the other faculty that instruct in SCA, Dr. Bronson and Dr. Mpanya, seem fraught, to say the least. Again, he does not appear to reflect on his own part in these problematic relationships, his failure to hire, supervise, and maintain good working relationships with other faculty, and the effect this has had on the functioning of his program.


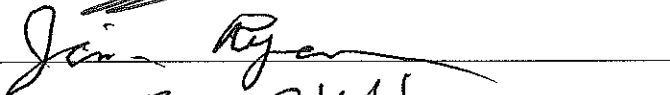
All Program Directors are answerable to the Dean for the performance of such fundamental duties as assessment of curriculum. Professor Shapiro's correspondence with the Dean about the required SCA curriculum review gives the strong impression that he is not willing to be

supervised. The program review offered by Professor Shapiro to CARC is clearly inadequate as a real review. Despite this, he never acted on numerous requests to correct the review. Professor Shapiro's presentation at his hearing reinforced the impression given by the CARC correspondence. He consistently refused to take responsibility for problematic actions and the consequences of those actions. He presented himself as someone whose only mistake was to anger authorities. Consequently, it is hard to believe that if left in his position of Program Director or Professor, he would be willing to correct any of his problematic actions.

Recap of Conclusions:

The Hearing Board unanimously concluded that there was clear and convincing evidence supporting dismissal for adequate cause shown to the Board.

The Hearing Board unanimously recommends to the President and the Board of Trustees that dismissal of the faculty member be sustained.

Tanya Wilkinson 
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