

B-11



STATE OF NEW JERSEY

In the Matter of C. M.,
William Paterson University

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2015-455

Discrimination Appeal

ISSUED: APR 20 2015 (JET)

C. M., an Associate Professor of Sociology with the Department of Sociology, William Paterson University, appeals the attached determination of the Associate Vice President-Human Resources and Presidential Designee, which found that the appellant failed to support a finding that he had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace (State Policy).

By way of background, when the professors author a new course, they are required to submit a course proposal to their Departmental Curriculum Committee. In this case, the appellant was required to submit new course proposals to the Sociology Curriculum Committee (SCC), which has meetings and determines as a group whether new course(s) should be approved. Professor G.F., a Caucasian female of Italian decent and Jewish faith, was a co-Chair¹ for the SCC during the 2012-2013 academic year. Additionally, each of the appointing authority's five colleges also has its own higher level College Curriculum Committee (CCC), which is usually comprised of one professor from each department in that college. If a course is approved at the SCC level, it is reviewed again and either approved or disapproved by the CCC. If a course has not been approved by the CCC, it usually offers suggestions to the authoring professor(s) for revisions of the course

¹ The other co-chair was E.S., an Associate Professor of Women's studies. Further, W.C., an Assistant Professor of Sociology, and R.K., an Assistant Professor of English, were co-chairs for the Sociology Curriculum Committee during the 2013-2014 academic year.

proposal(s).² The professor then has the opportunity to make the recommended changes and resubmit the course proposal to the SCC and CCC for approval.³

The appellant, a Caucasian male of Italian descent, filed a complaint on October 18, 2013 with the Office of Equal Employment Equity and Diversity (OEED) alleging that he was subjected to discrimination on the basis of his national origin and Italian descent by G.F. Specifically, the appellant alleged that during the 2012-2013 academic year, two of his course proposals related to Italian Studies, "*Organized Crime: Fact and Fiction*"⁴ and "*Sociology of Global Threats and Global Security*," were disapproved of by G.F. when she served as co-Chair of the SCC. In this regard, the appellant alleged that G.F. purposely disapproved both courses because they were related to Italian Studies and/or Italian-Americans. After an investigation was conducted, which included interviewing witnesses and reviewing relevant documentation, the OEED could not substantiate that there was a violation of the State Policy. The investigation revealed that the course entitled "*Organized Crime: Fact and Fiction*" was approved. However, the appellant was asked to remove the words "Italian Americans" from the course description section. The investigation revealed that the appellant's other course proposals were denied and he failed to re-submit them for approval. Thus, the OEED determined that the investigation did not support that G.F. discriminated against the appellant.

On appeal to the Civil Service Commission (Commission), the appellant asserts that the investigation did not address G.F.'s "unethical" behavior when she "sabotage[ed]" his course proposals. The appellant explains that G.F. did not reject any of his course proposals within the last five years and the main reason provided for the rejection of his current course proposals was that there was no bibliography included for review. The appellant underscores that he initially provided a bibliography for the Committee's review and it was removed by G.F.⁵ Further, the appellant contends that G.F. was absent from three consecutive faculty meetings by the time he decided to pursue the OEED complaint. In this regard, W.C., an Assistant Professor of Sociology, was subsequently appointed as a new co-Chair for the SCC. The appellant avers that W.C. required him to add a "terror label" to his course proposal so that it would be approved, and his earlier course proposal contained a terrorism topic. However, G.F. did not respond to his earlier course

² Each college committee usually elects a chairperson or two co-chairpersons every year. In addition to chairpersons, each college curriculum committee usually has an administrator who serves as an advisor and is not permitted to vote.

³ The Associate Dean for the College of Humanities explained the course approval/review process in detail during the investigation and indicated that while there is no time limit for the resubmissions, the timing of when the revised courses are resubmitted is important to determine if the course will be approved for the Fall, Spring or Summer semester.

⁴ This course was co-authored by M.-P.B., a Professor of Sociology.

⁵ The appellant states that the issue regarding the bibliography was discussed during a subsequent faculty meeting and M.P.-B. and S.T., a Professor of Sociology, found discrepancies in their course proposals related to Italian Studies.

proposal which included the topic of terrorism.⁶ The appellant adds that W.C. initially notified him that his courses were approved by the SCC and that approval was required by the CCC, which later rejected his course proposal for numerous reasons and it recommended that the course proposal should be re-submitted to the SCC after revisions were made.

Additionally, the appellant maintains that G.F. discriminated against him when she failed to approve the courses related to Italian studies. Specifically, the appellant asserts that he is of Italian descent, a Catholic, and a veteran. Further, he argues that G.F. is concealing an anti-Italian bias and a deeper anti-Catholic bias against him and other individuals of Italian descent. The appellant explains that G.F. used various individuals in order to provide a false impression that she would approve courses and she would later block them "at the upper level." In this regard, he claims that G.F. has a history of blocking courses which are inconsistent with her biased views of Italians and her related bias towards veterans. Further, the appellant asserts that at the time G.F. was co-Chair of the SCC, she attempted to reduce the number of Criminal Investigation classes he was assigned to teach.⁷ The appellant adds that he previously taught a course entitled "Social Movement" for 40 years and G.F. reassigned that course to W.C. on the pretense that it required a bibliography update. The appellant claims that G.F. only hired W.C. due to the fact that her dissertation focused on the sexual abuse issues that exist within the Catholic Church. Additionally, the appellant argues that G.F. is advancing a personal agenda of "repression of Jews by the Catholic Church" with departmental approval, engages in deceptive practices, and espouses her political agenda against Catholics and war veterans.

In response, the OEED maintains that the investigation and review of relevant documents conclusively demonstrates that the appellant's allegations of discrimination are without merit. The OEED explains that, during the 2012-2013 academic year, the appellant authored and submitted a proposal to the SCC for a course entitled *Sociology of Global Threats and Global Security*. The course was approved by the SCC and was subsequently sent to the CCC for a determination. The CCC determined that the course proposal needed substantial revisions.⁸ On May 15, 2013, Co-chair G.F. sent the appellant an e-mail which notified him about the CCC's decision and he was requested to make some generic revisions and re-submit the course proposal. The appellant made changes to the course proposal and resubmitted it to the departmental SCC during the 2013-2014 academic year with a new name entitled *Counter Terrorism and Global Security*. However, the OEED asserts that this course was not approved and the appellant failed to re-submit a

⁶ The appellant planned that the course would be taught by an instructor from West Point who is also a Veteran.

⁷ In this regard, G.F. attempted to reassign a Criminal Justice course that the appellant taught for 20 years to an adjunct professor.

⁸ It noted that there was incomplete course information, missing sections, and no bibliography.

revised course by the end of the 2013-2014 academic year.⁹ The OEED explains that although G.F. was co-Chair during the 2012-2013 academic year, she was no longer serving as co-Chair or even as a member of the SCC when the appellant's revised *Counter Terrorism and Global Security* course was not approved for the 2013-2014 academic year. Therefore, G.F. had no involvement in the decision-making process at that time.

Additionally, the OEED states that, in February 2013, the SCC voted to unanimously approve the appellant's "*Organized Crime: Fact and Fiction*" course provided that certain revisions were made. While the SCC suggested that the words "Italian American" should be removed from the course description section, the appellant was not asked to remove any references to Italians and/or Italian-Americans throughout the entire course outline. The OEED maintains that the suggested changes did not substantially impact the content of the course proposal. The OEED's investigation also revealed that Chairpersons do not have any additional decision making authority over the departmental or college level committees. Rather, Chairpersons are voting members just like any other committee members. The OEED explains that Chairpersons are tasked with the additional responsibility of addressing administrative matters that are related to committee business. The OEED confirms that the appellant did not submit a revised course proposal during the 2012-13 or 2013-14 academic year despite being notified of such in February 2013.¹⁰ As a result, his course was not approved. Moreover, the appellant has not presented any evidence to show that G.F. "sabotaged" his two course proposals and prevented them from being approved by the departmental and college curriculum committees on the basis of his national origin. Further, OEED's investigation revealed that G.F. is of partial Italian descent. Thus, the OEED's investigation did not reveal that G.F.'s actions in regard to the course proposals violated the State Policy. The OEED states that it cannot address the new allegations related to the appellant's religion and veteran status that he presented on appeal since he did not make those allegations in his initial complaint.

CONCLUSION

N.J.A.C. 4A:7-3.1(a) provides that under the State Policy, discrimination or harassment based upon the following protected categories are prohibited and will not be tolerated: race, creed, color, national origin, nationality, ancestry, age, sex/gender (including pregnancy), marital status, civil union status, domestic

⁹ The OEED notes that G.F. was no longer a co-Chair or even a member of the SCC. In this regard, W.C. was appointed as a co-Chair for the SCC during the 2013-2014 academic year. The appellant first submitted the course proposal to W.C. in December 2013 but it was not reviewed by the higher level CCC until April 10, 2014. On April 11, 2014, co-Chair W.C. notified the appellant by e-mail that the CCC did not approve the course. In the e-mail, W.C. outlined numerous reasons regarding why the CCC did not approve the course.

¹⁰ The OEED notes that co-author M.-P.B. also failed to submit a revised course proposal during those academic years.

partnership status, familial status, religion, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability. A violation of this policy can occur even if there was no intent on the part of an individual to harass or demean another.

In the instant matter, the appellant alleges that G.F. discriminated against him on the basis of his national origin and Italian descent. On appeal, the appellant also argues for the first time that G.F. discriminated against him on the basis of his religion and veteran status. Specifically, the appellant argues that G.F.'s failure to approve his course proposals is evidence that he was discriminated against on the basis of his national origin, religion, and veteran status. The Commission has conducted a review of the record and finds that the appellant has not provided any information to substantiate his claims. In regard to the appellant's argument that he was discriminated against on the basis of his national origin, he did not provide a scintilla of evidence to support that claim. In fact, the Commission is perplexed by the appellant's arguments pertaining to G.F. since she is of Italian descent. In this regard, other than the appellant's allegations, nothing in the record even suggests that G.F.'s behavior towards the appellant was discriminatory based on his national origin and Italian descent.

Further, the appellant did not provide any evidence to show that G.F. discriminated against him on the basis of his religion and veteran status. Although the appellant argues that G.F. had a deeper bias against Catholics and veterans, there is no information, such as witness statements, to substantiate those allegations. Other than the appellant's tenuous allegations, there is no evidence to suggest that he was discriminated against on the basis of his religion and veteran status. The record also does not reflect any substantive evidence to show that G.F. pursued a personal agenda against the appellant based on her Jewish faith. Additionally, the appellant was notified that the courses entitled *Sociology of Global Threats and Global Security* and *Counter Terrorism and Global Security* required considerable revisions, which he does not dispute. The appellant was asked to re-submit a new proposal for the course entitled *Counter Terrorism and Global Security* and he failed to do so by the close of the 2013-2014 academic year. Even assuming the validity of the appellant's statements regarding G.F., the record reflects that the course entitled *Organized Crime: Fact and Fiction* was approved with only minor revisions. Although the appellant was asked to remove the words "Italian American" from a course description, this does not, in and of itself, show that the appellant was discriminated against on the basis of his national origin. Thus, the decisions of the departmental and college level curriculum committees appear to have been for appropriate, academic related purposes. Although G.F. served as a committee co-Chair, again, this does not establish that the appellant was discriminated against. Moreover, the investigation confirmed that G.F. was no longer serving as a committee co-Chair as of the 2013-2014 academic year. Thus,

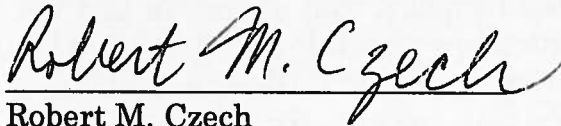
the appellant did not establish that G.F. or the departmental and college level curriculum committees violated the State Policy. Accordingly, the Commission finds that the appellant has not satisfied his burden of proof in establishing that he was subjected to violations of the State Policy.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 15th DAY OF APRIL, 2015



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Attachment

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