

Dr. Philip D. Oleiver's handout
at 2/13/92 Board of Regents'
Meeting and the basis for his
oral presentation to the Board.

CLAIM

•UTSA's non reappointment decision was based on the fact that I was not a passive, submissive Hispanic faculty member.

•The UTSA administration took exception to the fact that I spoke my mind when asked.

Reasons for Being Here

- UTSA claims that my teaching and research are insufficient for Promotion and Tenure when they are not.
- My personal investment in the UTSA Electrical Engineering program.

I am not a do-nothing faculty member requesting Promotion and Tenure just because of a technicality or ethnicity.

Rather

I am an active, productive Hispanic faculty member that will contribute much to UTSA's future.

Spanish Ancestry

- Spanish Crown appointed one ancestor

"regidor perpetuo y alguazil mayor"

- Another served as an officer in the Spanish Army against the British during the American Revolutionary War.

Summary of Engineering Promotions at UTSA

NAME	Up-or-out Engineering Promotions			One Early Promotion
	Olivier	Schmalzel	Arroyo	Karimi
Funding	\$70,000.00	\$26,000.00	\$0.00	\$63,500.00
Refereed Journal Articles	3 sole author 1 co-author	0 sole 2 co	0 sole 2 co	0 sole 0 co
ABET Research Ranking	HIGH	MEDIUM	MEDIUM	MEDIUM
Graduate Faculty Rank	MEMBER	ASSOCIATE MEMBER	ASSOCIATE MEMBER	ASSOCIATE MEMBER
Post PhD Teaching	11 years	6	6	5
Student rating	GOOD- VERY GOOD	VERY GOOD	GOOD- VERY GOOD	VERY GOOD
Teaching Effectiveness Panelist	YES	NO	NO	NO
Teaching Effectiveness Essay	YES	NO	NO	NO
Graduate Council	ELECTED MEMBER	NO	NO	NO
Grad COURSES & PROGRAMS Comm.	CHAIR	NO	NO	NO
GRAD STUD COM	CHAIR	NO	NO	NO
GRAD ADVISOR	YES	NO	NO	NO
Affirmative Action Advocate	YES	NO	YES	NO
NACME	YES	NO	NO	NO
SA Alliance for Minorities in Engineering	YES	NO	NO	NO
Minorities Affairs Committee	YES	NO	NO	NO

During my promotion and tenure review, these contributions were recognized at all levels up to and including the Dean of my college. I was

- supported without dissent by my **Division Faculty**;
- supported by my **Division Director**;
- supported by my **College Faculty (I was ranked #1)**;

and

- supported by my **Dean (ranking not done)**.

I was

- not supported by VPAA Leonard Valverde;
- not supported by President Samuel Kirkpatrick.

The Faculty Tribunal process appears to have resulted in at least 3 violations of the Texas Open Meetings Act and therefore its recommendations appear to be voidable:

1. **An Open Meeting Held Was Without Notice.**
2. **A Deliberative Body Consulted with Legal Counsel in Private.**
3. **A Deliberative Body Deliberated and Voted in Private.**

There appear to be at least 5 additional technical problems associated with the conduct of the hearing.

1. **Presentation of Critical Evidence was not allowed.**
2. **Inappropriate Tribunal Communication with the UTSA Administration Occurred.**
3. **The Tribunal Required an Inappropriate Level of Proof.**
4. **The Tribunal Demanded Direct Evidence.**
5. **The Tribunal Granted Infallibility to Dr. Valverde.**

CLOSURE

•I ask that you overturn the non reappointment decision that UTSA made in my case.

•I beleive that I have demonstrated:

- 1) that I have been a productive faculty member in the UTSA environment,
- 2) that my exercise of my free speech and/or free association rights combined with my claim of being Hispanic so displeased the Administration at UTSA that they decided to not reappoint me, and
- 3) that the Tribunal Process as practiced at UTSA is fatally flawed.

Further, if you overturn this decision, I beleive that you will find that I will continue to be a highly productive Hispanic faculty member in the UTSA environment.

I understand that you can decide to send this matter back to the Tribunal for further consideration. Based on its performance to date, I do not beleive that this, or any other UTSA Faculty Tribunal, as currently constituted and directed, can impartially evaluate this matter. Therefore, I urge you to simply overturn the non-reappointment decision, promote me to Associate Professor, grant me tenure, and close the book on this matter. By doing this you will not only right a greivous wrong but you will also return to me my professional standing.