



OFFICE OF THE DEAN OF STUDENTS
THE UNIVERSITY OF TEXAS AT AUSTIN

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May 20, 2002

Mr. William H. Clark II
21203 Paseo De Vaca St.
Lago Vista, Texas 78645

Dear Mr. Clark:

On February 15, 2002, you filed a complaint with the Services for Students with Disabilities area of the Office of the Dean of Students asking for a review of your dismissal from the aerospace engineering doctoral program. At the foundation of your complaint were allegations that you had been discriminated against based on your disability. The allegations were as follows:

1. Dr. Terry Kahn, Associate Dean of Graduate Studies, withheld documents from the Department of Aerospace Engineering that were pertinent to your grievance regarding your dismissal from the Aerospace Engineering Ph.D. program. You alleged that Dr. Kahn withheld these documents from the Department of Aerospace Engineering because he was aware of your disability.
2. Dr. David Hull, Chair of the Aerospace Engineering Graduate Studies Committee, refused to consider as part of your grievance e-mails from individuals outside The University of Texas at Austin supporting the significance of your research. You contend that the information in these e-mails indicates the importance of your research to the aerospace engineering field and that their importance is further substantiated by several individuals agreeing to serve on your dissertation committee. In addition, you allege that Dr. Hull refused to consider these e-mails because he was aware of your disability.
3. The faculty within the Department of Aerospace Engineering who reviewed your research are not as qualified as those individuals from outside the institution who examined your web site.
4. Dr. Glenn Lightsey, an aerospace engineering faculty member and a member of your grievance committee, refused to allow you to present a paper at the regional American Institute of Aeronautics and Astronautics (AIAA) student conference being held at The University of Texas at Austin in April 2002. You do not contend that you were denied the right to present a paper at the conference as a result of your

disability, but you believe that this denial had a secondary effect of inhibiting your chances for success in your grievance.

5. Other members of your oral examination committee refused to serve as your dissertation advisor after your former advisor, Dr. Wallace Fowler, informed the other committee members of your disability.
6. Dr. David Hull imposed upon you a "false" deadline to take your oral examination upon completion of your written examination. According to your complaint, this deadline was issued after you told Dr. Hull and Dr. Fowler that you were a student with a disability.

On April 4, 2002, I received an e-mail from you asking me to "include in the investigation for discrimination based upon your disability, the individuals on the committee that reviewed my dismissal from graduate school: Drs. Glenn Lightsey, Bob Schutz, Cesar Ocampo, Philip Varghese, and Dr. Terry Kahn." In this e-mail you alleged that the individuals representing the Aerospace Engineering faculty did not "take the time to evaluate your research" and that Dr. Terry Kahn "with the graduate college did not do his job." These claims have no basis as a disability-related complaint and were therefore not examined. You are aware of your option to appeal this committee's decision to the Vice President and Dean of Graduate Studies, Dr. Teresa Sullivan, and you have chosen to do so.

Over the course of the semester, Alyssa Joseph, and I have interviewed faculty members from the Department of Aerospace Engineering and reviewed numerous documents including official correspondence and e-mails related to your complaint. On April 29, 2002, I sent you a letter informing you that Ms. Joseph and I were nearing the completion of our investigation and that we wished to schedule a follow-up meeting with you after May 9, 2002 to discuss the findings of our investigation. On May 2, 2002, you called the Services for Students with Disabilities area within the Office of the Dean of Students and informed my administrative associate, Ms. Sandy Murphree, that you "wanted to drop the whole thing.....a meeting would be a waste of your time....this is not a discrimination issue anymore." Since you have refused to meet with us, this letter will serve as the official record of the findings of our investigation into your disability-related complaint.

Findings of Investigation

1. Did Dr. Terry Kahn, Associate Dean of Graduate Studies, withhold documents from the Department of Aerospace Engineering that were pertinent to your grievance regarding your dismissal from the Aerospace Engineering Ph.D. program? You alleged that Dr. Kahn withheld these documents from the Department of Aerospace Engineering because he was aware of your disability.

On January 16, 2002, you were informed via e-mail by Dr. Terry Kahn of the procedures outlined in the Graduate School Policy Manual for filing a grievance regarding your dismissal from the Aerospace Engineering Ph.D. program. If you wanted the Aerospace

Engineering Department to consider these materials within your grievance, the appropriate process would have been for you to submit these materials directly to the grievance committee as you were instructed to do by Dr. Kahn. As associate dean of graduate studies, it is Dr. Kahn's responsibility to ensure that the grievance process established by the Office of Graduate Studies is followed by both the department reviewing the grievance and by the student filing the grievance. To submit materials on behalf of either party would compromise his objectivity.

You also question why Dr. Kahn asked Ms. Kotz to forward the materials to him if he did not intend to send the materials to the Department of Aerospace Engineering. Based on the responsibilities assigned to Dr. Kahn by the Office of Graduate Studies, it is his duty to determine whether or not any registration bars issued to graduate students should be lifted. As a result of your dismissal from the Graduate School, a registration bar was placed on your records to prevent you from registering for the Spring 2002 semester. Since you were seeking readmission to The University through either the Department of Physics Doctoral Program or failing that attempt, as a degree-seeking undergraduate student, it would be Dr. Kahn's responsibility to determine whether or not the Spring 2002 registration bar should be lifted. In order to fulfill this responsibility, it is reasonable to expect that Dr. Kahn would have copies of any application materials submitted to the Department of Physics in anticipation of having to discharge his responsibility.

In your complaint, you allege that Dr. Kahn withheld documents from the Department of Aerospace Engineering because he was aware of your disability. However, the facts as presented do not substantiate this allegation. Instead the facts indicate that the actions taken by Dr. Kahn were those expected of an individual fulfilling the responsibilities of the associate dean of graduate studies.

2. Did Dr. David Hull, Chair of the Aerospace Engineering Graduate Studies Committee, refuse to consider, as part of your grievance, e-mails from individuals outside The University of Texas at Austin supporting the relevance of your research? You contend that the information in these e-mails indicates the importance of your research to the aerospace engineering field and that their importance is further substantiated by several individuals agreeing to serve on your dissertation committee. In addition, you allege that Dr. Hull refused to consider these e-mails because he was aware of your disability.

When Dr. Hull began to receive random e-mails from various individuals, he e-mailed you on February 4, 2002, and informed you that the only extra material that the grievance committee would consider is that which you put together and deliver to him all in one package. Furthermore, he indicated that the items must be clearly marked as to how they concern your grievance. It is reasonable to expect that a student filing a grievance would be responsible for organizing the materials prior to submitting the documents to the committee for its review. Dr. Hull's e-mail to you clearly informs you about the manner in which you must submit the materials if you wished for them to be reviewed. Furthermore, the e-mail does not indicate that Dr. Hull refused to consider these

documents as part of your grievance. It simply instructs you on how to package the materials if you wanted the committee to review the e-mails from people outside The University. The e-mails were not considered because you did not follow the instructions given to you by Dr. Hull, rather than a result of Dr. Hull's awareness of your disability.

3. Are the faculty within the Department of Aerospace Engineering who reviewed your research less qualified than those individuals from outside the institution who examined your web site?

This allegation has no merit as a disability-related complaint since it calls into question the academic credentials and experience of both the faculty within the Department of Aerospace Engineering and the individuals from outside The University of Texas at Austin with whom you corresponded.

4. Did Dr. Glenn Lightsey, an aerospace engineering faculty member and a member of your grievance committee, refuse to allow you to present a paper at the regional American Institute of Aeronautics and Astronautics (AIAA) student conference being held at The University of Texas at Austin in April 2002? You do not contend that you were denied the right to present a paper at the conference as a result of your disability, but you believe that this denial had a secondary effect of inhibiting your chances for success in your grievance.

According to the AIAA student conference web site (http://www.ae.utexas.edu/AIAASPC/aiaaspc_index.html), paper presentations are limited to undergraduate and graduate student AIAA members. The rules also state that only work completed as an undergraduate or master's student is eligible to be submitted for the competition prize money. Furthermore, papers prepared by Ph.D. students, on Ph.D. work, are not eligible for competition awards, but may be presented at the conference. You did qualify as a presenter since you were a student member of the local AIAA chapter. However, since you had completed your master's degree and the research you wanted to present was completed after the master's degree, you could not compete for the prize money. As a result of Dr. Lightsey contacting the national headquarters of AIAA, Ms. Lisa Bacon, a Member Activities Liaison with AIAA, clarified your eligibility status to you through e-mails on February 7, 2002 and again on February 25, 2002.

There is no indication that Dr. Lightsey ever refused to allow you to present a paper at the conference. Also, there is no evidence to support your contention that Dr. Lightsey was ever the AIAA paper presentation "gatekeeper" and in a position to determine which students could or could not present at the conference. Hence, Dr. Lightsey could not "refuse" to allow you to present. Additionally, e-mail correspondence indicates that Dr. Lightsey remained neutral and communicated AIAA policy to the best of his knowledge at any given time.

You also claimed that Dr. Lightsey's alleged denial of your eligibility to present at the conference had a secondary effect on your dismissal grievance since Dr. Lightsey also served on the grievance committee. Again, the evidence indicates that Dr. Lightsey

remained neutral about the grievance and reminded you of the individuals to whom you should direct any concerns about the process.

5. Did other members of your oral examination committee refuse to serve as your dissertation advisor after your former advisor, Dr. Wallace Fowler, informed the other committee members of your disability?

Based on investigation interviews, it is clear that the context of Dr. Fowler's discussion about his decision to resign as your dissertation advisor with other committee members focused on the caliber of your research, and not your disability. Dr. Fowler's letter was never discussed with the other committee members and was given to Dr. Dolling who sent the letter directly to you. Furthermore, Dr. Fowler's letter was not written until seven days after Dr. Dolling's dismissal letter of December 14, 2001. According to the information gathered through our interviews, faculty members declined to serve on your committee as a result of the caliber of your research and your inability to develop a working relationship with a faculty member, in particular your inability to follow through on your agreement with Dr. Fowler to develop a mutually agreed upon research topic. The facts as presented indicate that there is no evidence that Dr. Fowler discussed your disability with other faculty members. Nor did he share the contents of his December 21, 2001 letter with them.

6. Did Dr. David Hull impose upon you a "false" deadline to take your oral examination upon completion of your written examination? According to your complaint, this deadline was issued after you told Dr. Hull and Dr. Fowler that you were a student with a disability.

You claim that Dr. Hull told you in October 2001 that there was no time for completing the oral examination. In addition, you believe that Dr. Hull's July 19, 2001 letter to you supported this comment. However, Dr. Hull's letter instructed you to take the exam in the immediate future and directed you to the web site for aerospace engineering students (www.utexas.edu/asecurrent_students.html) for more detailed information. The web site clearly states that students who pass the written exam in June should plan to take the oral examination near the beginning of the fall semester. You also questioned Dr. Hull's comment that you had to pass the oral examination to remain in the program. You believed that this was "unqualified, as the rules state that a student has an automatic re-take no sooner than six months." However, the rule regarding re-take exams as stated on the student web site is as follows: "If you do not pass the exam, the committee will decide whether or not you may re-take the exam. You will have to wait at least six months before you can re-take the exam."

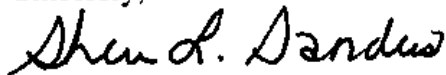
Dr. Hull also communicated the deadline for taking the oral examination via an October 15, 2001 letter to you. In this letter, Dr. Hull instructed you to take the oral qualifying examination prior to the beginning of the Spring 2002 semester and he outlined the processes that students must complete in order to advance to the candidacy phase of a doctoral program. Dr. Hull also notified you that you would not be able to register for another semester until you took the exam. It is standard practice for a registration bar to

be placed on the academic records of students who must complete a designated task before registering for the upcoming semester.

Based on the information in the Graduate Catalog and the aerospace engineering web site for current students, Dr. Hull was following the procedures and timelines as outlined in these documents and he did not impose any "false" deadline on you. Furthermore, Dr. Hull first instructed you to take the oral examination in the immediate future via his July 19, 2001 letter, months before he even knew that you had a disability.

In summary, this investigation does not support your allegations that you were discriminated against as a result of your disability. All parties against which you filed this complaint acted in accordance with the responsibilities of their specific jobs. If you wish to appeal this decision, you may do so by providing a written complaint within ten (10) working days to Vice President and Dean of Graduate Studies, Dr. Teresa Sullivan. Dr. Sullivan, in consultation with the ADA Coordinator, Ms. Linda Millstone, will review your appeal and provide a final decision on the matter within a reasonable time.

Sincerely,



Sherri L. Sanders, Ph.D.
Associate Dean of Students

c: Dr. Teresa Sullivan, Vice President and Dean of Graduate Studies
Dr. James W. Vick, Vice President for Student Affairs
Ms. Teresa G. Brett, Associate Vice President for Student Affairs and
Dean of Students
Dr. Terry Kahn, Associate Dean of Graduate Studies
Dr. Wallace Fowler, Department of Aerospace Engineering
Dr. David Hull, Department of Aerospace Engineering
Dr. Glenn Lightsey, Department of Aerospace Engineering
Ms. Linda Millstone, ADA Coordinator