

MEMORANDUM

To: Doug Broadfield, UFF-FAU Grievance Officer
From: Heather Coltman, Interim Dean
Cc: Grievance file (Provost's Office)
Re: Grievance 2013-02 (James Tracy) - Step One Decision
Date: July 23, 2013

On June 19, 2013, I met with the grievant, James Tracy, Associate Professor in the School of Communication & Multimedia Studies, and Doug Broadfield, Grievance Officer of the FAU chapter of the United Faculty of Florida. This meeting was postponed previously by agreement. At this meeting, the UFF presented its case that Dean Coltman's letter of reprimand dated March 28, 2013 to Dr. Tracy was not consistent with the provisions of the Collective Bargaining Agreement. We discussed several possibilities for resolving the grievance prior to the meeting. On July 16, 2013, Dr. Broadfield informed me that Dr. Tracy was not willing to accept any of the settlement possibilities.

I have carefully considered all the arguments made by professors Broadfield and Tracy, revisited the issues and the CBA language, and I remain convinced that Dr. Tracy's failure to follow the provisions of Article 5.3(d) of the CBA constitutes misconduct. Tracy made posts to his blog, twitter feed, and other outlets that state or imply that his personal opinion is part of the body of disciplinary scholarship that is expected as part of his academic appointment, and/or indicating the posts are related to his academic position at FAU, and/or represent an opinion of the University. Article 5.3(d) specifically was negotiated to make such conduct prohibited.

Dr. Tracy was not disciplined, however, when his misconduct was discovered and the impact realized. Rather, I met with Dr. Tracy with Drs. Alperin and Broadfield on January 18, 2013 to discuss the matter and require that corrective measures be taken. This directive was mostly ignored, and the misconduct continued warranting the letter of reprimand. A reprimand is the lightest form of discipline and was issued to be consistent with discipline issued in other instances of similar misconduct, and considering the idea of progressive discipline.

Dr. Tracy has maintained that his blog is personal and not related to his work at FAU. I agree, and this is not the issue. Following our meeting of January 18, 2013, Tracy posted a disclaimer on his blog's home page that says (in part), **"All items published herein represent the views of James Tracy and are not representative of or condoned by Florida Atlantic University or the State University System of Florida."** **No disclaimer was posted on the pages that contain the articles or postings. Links to those pages are what was widely circulated and published by Tracy and others.**

Tracy persisted in making posts that underscore his academic position at FAU and that suggest that his blog is part of his academic work. For example, on February 28, 2013 Tracy posted that he is “actually doing his job” by writing the blog and therefore should be protected by the principles of academic freedom. Tracy also posted a reply comment (which suggested that his course on conspiracies should be posted on iTunes University) by writing: “At present the course does not easily lend itself to this format because it’s more of a participatory seminar discussion based around readings than a straight lecture, which is something I seldom do any longer. ***A foremost reason I started this blog was to extend some of these exchanges into a broader public forum.***” Tracy uses his blog to be an extension of his instructional work at FAU, which is totally unacceptable to the University. This contradicts Tracy’s position that his blog postings are only personal, and should not be considered part of his job duties and exempt from evaluation by his supervisors.

Additionally, Dr. Tracy continued to use the title “Professor” or “Assoc. Professor” on his social media postings. Professor is a job title only, and directly connects him to the University. Dr. Tracy’s Twitter account was used to publish links to his personal postings in his blog. His Twitter ID stated “Associate Professor of Communications at Florida Atlantic University – www.memoryholeblog.com” under his name on every post. Tracy finally removed this connection to FAU from his Twitter on the evening of April 24, 2013-- well after the January 18 meeting, and after the March 28, 2013 reprimand was received.

The effects of Dr. Tracy’s misconduct were widespread and severely impacted the University. Tracy and the UFF are aware of the numerous local and national media reports linking FAU to Tracy’s personal published opinions, donors reacted negatively, applicants withdrew, and fellow faculty were embarrassed. The sole reason for FAU’s suffering in this regard was Tracy’s violation of Article 5.3 in failing to make clear his views are not that of FAU’s.

Dr. Tracy has the same rights as any private citizen to write up his opinions and post them on the web. The university has the right to require him to clearly indicate that his opinions are not the University’s positions. That clarity is not accomplished by a single disclaimer on an infrequently-visited page of a large website, particularly as Dr. Tracy continues to make posts that connect his opinions to the instructional and research assignment associated with his faculty position at FAU.

The grievance is denied.
