

May 5, 2016

**Administrative Review of Letter of Reprimand sent to Professor Akbulut on
January 30, 2015**

Review Findings

This review panel has determined that Prof. Akbulut was informed of his responsibility to teach MTH124 during the spring semester of 2015 on several occasions, that this responsibility was unambiguously assigned to him by those invested with the power to make said assignments, and that Prof. Akbulut willfully chose not to fulfill his responsibility. This action put him in violation of Michigan State University's *Code of Teaching Responsibility* and, in our opinion, makes appropriate the Associate Provost's invocation of the "Abrogation of Faculty Teaching Responsibility" policy. The decision, under this policy, to reduce Prof. Akbulut's salary by 10% seems reasonable.

Prof. Akbulut's decision to abrogate his responsibility regarding MTH124 was in clear protest of the October 2014 cancellation of his originally scheduled graduate topics course (MTH996), which cancellation led to his reassignment to MTH124. While the Mathematics Department maintains a tradition of accommodating faculty preferences in teaching assignments as far as possible, there is no common pretense or precedent that individual faculty members have the right to change or determine their teaching assignment. Indeed, university bylaws indicate that the ultimate power to make such assignments lies with the departmental chairperson. We believe, therefore, that Prof. Akbulut's refusal to comply with his official assignment was not warranted.

Prof. Akbulut has attempted to justify his refusal to teach MTH124 by stating that MTH996 was cancelled "wrongfully" as the result of a targeted and discriminatory action taken against him by those in power, particularly the Department Chair and the Director of Graduate Studies. We have thoroughly investigated this matter, soliciting documentation and opinions from relevant parties, and have found no evidence of wrongdoing in the implementation of the course cancellation policy in October 2014. Below, we outline the details of our findings.

In defense of Prof. Akbulut's dedication to graduate education, we mention that in the spring semester of 2015 he taught the equivalent of MTH996 to a group of students whose total number would have sufficed for the course to have officially run, were they to have enrolled by the October 2014 deadline. Furthermore, in defense of the outrage that Prof. Akbulut felt, a series of miscommunications and the strict enforcement of a new cancellation policy contributed to the cancellation of MTH996. In hindsight, it is clear that although MTH996 did not meet the strict requirements required to run on October 20, it did meet the spirit of those requirements and could have run if the policy had been more flexible. In light of the valuable contribution of his unofficial course to the research life of the Mathematics Department and the strict enforcement of the cancellation policy, the department advisory committee recommended in the fall of 2015 that Prof. Akbulut be awarded a one course teaching release in a future semester and that course cancellations be implemented in a more flexible manner in future semesters. In the end, however, this review panel finds that Prof. Akbulut's decision to abrogate his duty regarding MTH124 cannot be justified by the success of the alternative activities he pursued. Thus, while Prof. Akbulut's commitment to the research life of our department and its graduate students is laudable, we cannot in good conscience condone his decision not to teach MTH124.



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Examination of whether the cancellation of MTH996 was “wrongful”

Prof. Akbulut maintains that the cancellation of MTH996 was “wrongful”, “discriminatory”, and “retaliatory”, an action taken personally against him by the Director of Graduate Studies (DGS), and enforced by the Department Chair. We have not found evidence to support these claims. First and foremost, we have found that it is within the purview of the DGS to determine a policy by which graduate courses are run. The DGS did this, and we interpret his policy as an attempt to maintain the traditional enrollment requirements for graduate courses whilst simultaneously expediting the process by which course scheduling decisions are made. These revisions were implemented so as to reduce the number of last minute course cancellations.

The policy implemented by the current DGS after assuming the position in August 2014 was substantially different from the policy for course cancellation used in recent years. The new policy set a strict deadline to cancel all courses with enrollment below 5 and did not allow for a review process for courses with enrollment close to 5. In the past instructors with course enrollment close to 5 were often allowed an extra period past the formal deadline to recruit students into the course and to work with the DGS on certain special enrollment issues. Under these past practices, and with good communications with the DGS, Prof. Akbulut might have been able to resolve the under-enrollment issue. Partly in response to these issues, the DGS’s policy on course cancellations was revised in subsequent semesters to allow for a more flexible process that includes an extended deadline for courses with enrollment close to the required threshold but still allows for cancellation well ahead of the spring semester. It is unfortunate that the revised policy was not in place in October 2014, as it is possible that MTH996 could have run if that had been the case. However, this review panel finds, in agreement with the findings of the Department Advisory Committee in 2015, that the course cancellation policy of October 2014, while quite strict, was implemented fairly and consistently.

Emails to the department as a whole and additional emails to those faculty, among them Prof. Akbulut, who had the potential to be adversely affected by the policy, support our finding that the policy implemented by the DGS was clearly and fairly communicated. Further evidence, in the form of email sent by Prof. Akbulut to the graduate student list-serve, indicates that he understood the repercussions of not having sufficient enrollment in his course on October 20, 2014 (those being course cancellation of MTH996 and reassignment of his teaching responsibility to an undergraduate course) and the fact that his course was in danger of being under-enrolled on October 20, 2014.

The central point underlying Prof. Akbulut’s claim of wrongdoing in the cancellation of MTH996 is the enrollment of one particular student who was supported by a dissertation completion fellowship (DCF). The dispute arose from the assertion that this student’s enrollment was prevented by the office of Graduate Studies. At least two statements from the student indicate that he was not prevented from registering for the course but, by a misunderstanding, intentionally chose not to register.

The misunderstanding which led the student not to pursue registration for the course centered around the level of tuition support provided by the DCF. This fellowship allows only a one credit course allotment, an allotment deemed sufficient by the graduate school, as the fellowship is intended for students in the final year of their Ph.D. The rationale, we speculate, is that the college believes such students will, by the terminus of their degree, have no need to take courses. In mathematics this rationale is often not applicable, and in the case at hand it was clear that the student in question would reap benefits from attending MTH996. The disparity between the aims of the DCF and the needs of the particular

student in question therefore necessitated that, should he wish to officially register for the course (an act which, in turn, would have sufficed for MTH996 to have run), someone would have to pay the requisite tuition discrepancy. The student deemed this unfeasible. Being a good advisor, Prof. Akbulut told the student not to pay for anything, saying "You are my Ph.D. student, I will take care of this."

The most important point relevant to this issue is that the student chose not to register. No evidence supports the claim that the student was prevented from registering. Upon expressing his initial desire to register, he was reminded by the secretary to the DGS that, were he to do so, he would then be responsible for the remaining tuition. The student then chose not to register. In retrospect this was an error, but one which could have been prevented if the student had been clearly instructed to register before the deadline, with the assurance that any remittance would ultimately be handled by Prof. Akbulut or the department. Thus, regardless of any alleged handling of grant money, the ultimate power to register for MTH996 lay with the student who, without question, chose not to exercise this power. We determine from this fact that the policy set forth by the DGS for course cancellation was implemented exactly as it had been communicated to the faculty.

In good faith, Prof. Akbulut pursued paying the required tuition with NSF funds, but feels that he was prevented from using these funds despite having \$85,000 available in his grants at this time. We consulted with an administrative assistant in Mathematics responsible for post-award support and learned that this was indeed the official Contracts and Grants balance at the end of October 2014, but that this figure includes IDC, does not take into account salary encumbrances beyond fiscal year 2014, and most importantly does not include encumbrances related to commitments made by Prof. Akbulut to support certain department visitors. According to the records of the post-award staff in Mathematics, on October 20, 2014, Prof. Akbulut did not have funds available that were not already committed elsewhere. Indeed, in an email exchange from May of 2014 provided to us by the Department Chair, Prof. Akbulut was told that he had only \$18,000 of unencumbered funds remaining in one of his accounts. In response he committed the entirety of these funds to support two visitors. Despite these indications that the grant Prof. Akbulut attempted to use was fully encumbered, it is possible that a reallocation of funds could have been arranged to allow for the modest tuition payment in question.

Another claim pertinent to whether the course cancellation policy was fairly and uniformly implemented is that several graduate courses in the Spring of 2015 ran with enrollment under 5 (the requirement which Prof. Akbulut failed to meet). Exempting any qualifying exam courses which were expressly outside the purview of the 5 student requirement, these claims are unsubstantiated. We obtained timestamped spreadsheets with enrollment numbers at the time of course cancellation decisions, and checked that all courses which ran in Spring 2015 fulfilled the requirement of the policy. The discrepancy between our findings and those submitted to the committee by Prof. Akbulut may be accounted for by some combination of the difference between initial and final enrollment numbers for a given course, the fact that some graduate courses list students in several sections (so-called "shadow courses"), and some distinct courses may appear under a single course number.

Concluding Statement

We find that the letter of reprimand sent to Prof. Akbulut by the Office of the Provost in January 2015 and the subsequent withholding of 10% of his salary were justified.

The circumstances surrounding the cancellation of MTH996 in October 2014 included a series of unfortunate miscommunications, and were undoubtedly tainted by emotions of many of the parties involved. It is unfortunate that this conflict involved Prof. Akbulut, a senior member of our department who, during his many years at MSU, has significantly contributed to building up the research profile of the mathematics department and the graduate program. It saddens the members of this committee that a peaceful resolution of the conflict surrounding the cancellation of MTH996 was not achieved by a reasonable and open dialogue within our department, and that when such attempts failed that university level offices such as the FGO still did not resolve the issue. It saddens us further that the conflict became visible to the outside world by various postings of Prof. Akbulut on his web page and on social media.

Despite having sympathy for Prof. Akbulut's situation, we find no evidence of wrongdoing in the cancellation of MTH996; rather, we find, as the Department Advisory Committee did in Summer 2015, that in this regard all parties acted in good faith given the information they had at the time. With the benefit of hindsight, it is evident that some of the decisions made were not optimal. Among these, and most pertinent to the mandate given to our committee, was Prof. Akbulut's decision to refuse his assigned responsibility to teach MTH124. The cancellation of MTH996, though linked by Prof. Akbulut to the abrogation of his duty to teach MTH124, is not in our opinion a valid justification to refuse an assigned course. So although Prof. Akbulut's dedication to graduate education is admirable we do not find that he was justified in refusing this clearly and officially assigned responsibility.

This document represents the unanimous findings of the review committee.



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