

April 4, 1988

To: University of Arizona Faculty Senate

From: William S. Bickel

I am Bill Bickel of the Physics Department.

I am here to speak on behalf of a colleague of ours, Dr. Tien Wei Yang, a member of the Department of Biological Sciences from 1969 to 1975.

Since most of you have received 2 packets of material on this matter I sent to you in October and November of last year, I shall not repeat what you already know.

At the last Senate meeting, Dr. Steelink asked, to be included in the meeting, a statement from Steelink and Bickel regarding the Yang case. That statement now appears on the last page of the March Faculty Senate Minutes distributed last Friday to all members of the faculty.

In the statement we stated 3 outstanding facts in support of offering Yang a hearing. Here are the 3 facts:

1. Yang dropped his Superior Court lawsuit in 1982 in exchange for a promised hearing. But the top University officials and the Regents did not give him a hearing after accepting his withdrawal of the litigation.
2. Former Liberal Arts dean, Herman Bleibtreu, told the Regents on December 13, 1985 that he had approved Dr. Yang's termination in 1975 based on what he now believed to be false information.
3. Former Superior Court Judge William Druke, the duly appointed fact-finder of the Regents, recommended to the Board on March 21, 1988 that Dr. Yang be given a hearing.

Today I want to focus on the third fact presented in our statement in support of giving Dr. Yang a hearing after all these years.

In December 1985, former Judge William Druke was appointed by the Board of Regents as its official fact-finder to come up with a solution to the Yang case. This appointment was the direct result of a great deal of public protest over the way Dr. Yang had been treated over the years. After 3 months of investigation, Judge Druke recommended that Yang be given a hearing.

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The Druke conclusion was unambiguous and definitive. Quoting from the Druke report dated March 20 and 21, 1986, Judge Druke "recommend(ed) that the Board of Regents either (a) reconsider the motion made by Regent Chandler at the Board meeting in March 1984, or (b) direct Board Counsel to enter into a stipulation with Counsel for Dr. Yang to set aside the previous dismissal, with prejudice, of Pima County Superior Court Cause No. 155195." (If any one of you is interested in a copy of the Druke report, contact me at Physics.)

The Druke recommendation was apparently not what the top officials of this University had expected. They therefore set out to try to change Judge Druke's mind.

At a special meeting arranged by the Board on May 9, 1986 in Tucson, Provost Hasselmo, 2 University attorneys and the chief counsel of the Regents made an extraordinary attempt to pressure Judge Druke to change his original recommendation. But the former judge was not persuaded. He stood by his March recommendation for a hearing by a special panel or a reinstatement of the Superior Court lawsuit Yang had dropped in 1982.

This afternoon I called Judge Druke and told him that I was going to go before the faculty senate today to comment on the Yang case and his recommendation to the regents. I asked if he still stood by his decision. This is what he said.

From the facts I had seen, I came to that decision. I made that recommendation and reported it to the Regents. Since then nothing has occurred to change my mind and I still stand by that decision.

After having failed to change Judge Druke's mind the 2 top University administrators persuaded the Regents to circumvent the Druke recommendation entirely. The outcome was a special resolution adopted by the Board of Regents at its May 30, 1986 meeting. This resolution was rejected by Dr. Yang because it fails to guarantee him any hearing at all. The resolution limits the possibility of a hearing in the Federal Court to only a single issue. It denies entirely any hearing on other fundamental issues raised in Yang's Superior Court action. These other issues were never heard or resolved, as stated by Judge Druke in his 1986 report.

Again and again, the University administration and its supporters have been saying that Yang has already had his share of hearings, with estimates ranging from 50 to more than 100. If this kind of allegation were true, why did Judge Drake stand by his original recommendation on May 9, 1986 after more than 2 hours of high-pressured lobbying by Provost Hasselmo, Attorneys Ives and Wood and Regents' Chief Counsel Schneider?

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These are the questions that you must ask yourselves. You must arrive at your own conclusion as to whether or not you can accept the administration's position that Yang has had all the hearings he is entitled to have.

What I am urging you to do this afternoon is to set up a panel to listen to presentations from both sides of this case and then recommend to the full senate at its next meeting whether or not to offer Dr. Yang an impartial due-process hearing by the faculty of this university.

I trust that my statement today will be included in the minutes of this senate meeting.

*William S. Bickel*

Prof. William S. Bickel  
Physics Department  
University of Arizona  
Tucson, AZ 85721

# Summary of RESEARCH FRAUD POLICY AND PROCEDURES

Panels, Administrators, Verifications

4/4/88 by  
N.H. White

Final  
Draft  
Research  
Policy  
Committee  
3/23/88

Initial  
Change

Supervisor → UCEEC (Res. Sen Comm)  
Other → UCEEC

UCEEC  
Inquiry  
Panel

30d  
+  
VPRs (VPR)  
Sponsor Agency (SA)

UCEEC  
Investigative Panel

120d  
+  
seriousness

VPR → CAFT  
+  
President  
SA

CAFT → President  
+  
sanctions  
SA

President -  
VP Council  
Draft  
4/1/88

Supervisor → Dean of College  
Other → Dean of College

Dean  
Inquiry

30d  
+  
VPR  
SA

Investigative Panel  
(VPR appt 3 from college)

120d  
+  
President  
SA  
seriousness, sanctions

President → CAFT  
+  
A1  
+  
A2  
+  
A3  
+  
President  
SA  
suspension, withdrawal

President → CAFT  
+  
VSA  
+  
President  
SA