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Section V: Michael Heim and the Consequences of His Actions

In the second section of this report special emphasis was placed on the fact that the single most important point in the entire review process was when Michael Heim, as the Chair of the UCLA Slavic Department, refused repeated requests from graduate students in the UCLA Slavic Department, from the graduate student representative within the UCLA Slavic Department, and from the internal review committee itself, to cease and desist from speaking to graduate students in the UCLA Slavic Department about the results of the Eight-Year Review. So important was this that the section bears repeating here as preface:

Single Most Crucial Point in the Review:

Once the University had promised, explicitly, to protect cooperating graduate students, only to prove itself unable and/or unwilling to prevent faculty members from asking students about the review, the true nature of the power structure at the UCLA became clear to all concerned, and especially to the graduate students who had believed the university's many promises of protection. While the process of investigation into the Slavic Department continued after this point, the credibility of any promise made to graduate students concerning protection evaporated with these incidents (faculty members threatening the university with legal action/Heim's refusal to leave off questioning graduate students about the review.) What also evaporates, as an extension of this, is the ability to question graduate students in an open and candid manner: not only can graduate students never again trust the promises of the university administration with regard to issues such as protection and lack of retaliation at the hands of faculty, but from this point onward, student responses themselves have to be seen as potentially compromised. *Why would any student, in response to an inquiry concerning the department and faculty on which he/she is so dependent, give a frank and detailed response in light of what has happened? To do so would be tantamount to professional suicide.*

Once this point was reached—once the UCLA Administration backed down and the faculty of the UCLA Slavic Department saw that their threats had an immediate effect—at that point, the UCLA Slavic Department knew that the tide had begun to turn. The Department, although still bruised and chastised, knew then that their tenured colleagues who comprise the

UCLA Administration were not going to throw them to the wolves. From this point on the Department became ever more emboldened. Those of you who have read this far have already read the description of the UCLA Slavic Department and the actions of its faculty—both the abuses alleged by students and staff, and the abuses of which there can be no doubt (e.g. the lies on the part of the UCLA Slavic Department faculty, which were documented and enumerated by the internal committee, the lies concerning the percentage of UCLA graduates who get tenure track positions [very easily verifiable], and the out-and-out breaking of state and federal law by distributing to other students the grades from one student's transcript without the permission of that student.) Given that the faculty was caught in one outrageous lie after the other, how, one is tempted to ask, how could it even conceive of the idea of going to the Academic Senate in the Fall of 2000 and asking that graduate student admissions be restored, eight months after they were suspended?

The answer lies in the signal that was sent by the UCLA Administration's failure to adhere to its own publicly articulated line, its failure to meet the UCLA Slavic Department faculty's threat to legally challenge the prohibition, its failure to live up to the solemn promise that it gave time after time after time to the graduate students of the UCLA Slavic Department, a promise which stated that, in exchange for the students' cooperation with the Eight-Year Review investigating committee, these students would be protected by the UCLA Administration from retaliation and interrogation by the UCLA Slavic Department faculty. Once the faculty of this department saw that they could in fact threaten the UCLA Administration with legal action, and that such threats were effective in getting the UCLA Administration to back down on what had before been a directive issued to these same faculty members, all bets were off. This is not to say that the Administration would not go through the motions of "reform" with the UCLA Slavic Department. Of course, there was always the need to keep up a proper façade of oversight, lest the facts ever, G-d forbid, come to light and the public see exactly the sort of system that their tax dollars are funding. But the faculty of the Slavic Department was sent a clear message at this point, and that message was this: you may have made a mess of things, you may have handled things clumsily, you may have told a few lies, but you are not going to be held accountable for this. Just do what it takes to get your house in order, and we in the UCLA Administration are prepared to overlook this 'unpleasantness' and get things back to normal as soon as possible."

In a following section of this report, each entity involved in this Eight-Year Review process will be discussed as to the role it played with regard to the Slavic Department review. The internal review team will be included in this discussion, but it is important here to say a few words about the internal review team with regard to the decision on the part of the UCLA Administration to back down in the face of legal threats coming from the faculty of the UCLA Slavic Department. In general, one thing that most of the students involved in the review agreed upon was that, of all the entities representing the University in this process, the internal review team was the most fair and the most committed to students' welfare. This might have been a

function of the pre-review questionnaires, where it was made clear how serious the problems were in the Slavic Department, or it may have been a function of the information provided to the internal review team prior to the actual onset of the review, in which detailed and verifiable examples were made available to the internal review team (but not to the external review team because of the presence on it of UC Berkeley's Alan Timberlake, himself a former tenured linguist in the UCLA Slavic Department). In these pre-review communications, UCLA Slavic Department students made it very, very clear that they were not going to accept the sort of cover-up and farce that the last Slavic Department Eight-Year Review had been in 1992, so this might have factored into the internal review team's willingness to be objective. Or perhaps not, it is impossible to say. What can be said is what was said above, that most students felt that the internal review committee was sincere in its efforts to help students and that it, for whatever reason, approached the faculty's arguments and reasoning with a degree of skepticism appropriate for a committee charged with investigating an entity against which such serious charges had been made.

That said, it must also be said that this issue of keeping the faculty from interrogating Slavic Department graduate students was one area in which the internal review committee's decisions were not in keeping, at least not in retrospect, with its stated commitment to fairness and protection of the graduate students in the UCLA Slavic Department. When the then-Chair of the Slavic Department, Michael Heim, and other faculty members began asking students about the Eight-Year Review shortly after its release, students immediately went to the head of the internal review team, which triggered his consultation with the UCLA Administration and led to the memo from the UCLA Administration to the Slavic Department faculty, directing the faculty not to ask Slavic Department graduate students about the results of the Eight-Year Review.

When it became clear that the UCLA Administration, in the face of legal threats on the part of the Slavic Department faculty to sue the University for abridgement of what the faculty perceived to be their First Amendment rights, was going to back down, again the head of the internal committee was contacted, and again the request was made to do something, anything, to protect those Slavic Department graduate students who had acceded to the request of the UCLA Administration to cooperate fully with the investigating committee after having received assurances that, were they to do so, they would be protected from interrogation and retaliation.

This was a crucial point. Unless this promise made by the UCLA Administration to the graduate students in the UCLA Slavic Department could be kept, then there could be no further meaningful exploration of abuses going on within that Department, since students would now, once again, be intimidated in openly cooperating with investigators, and if there could be no such open and free cooperation by the graduate students, then any result from any investigation coming after this point would be tainted. Intense pressure was exerted on the head of the internal committee to do something. At this point, the head of the internal committee responded to the

effect that this issue was being discussed at the very highest levels of the University, and that the situation was very delicate. The head of the internal committee felt that by placing too much pressure on these unnamed powers-that-be to engage the UCLA Slavic Department faculty on this point, he would alienate some of those within the power structure at UCLA whose support he felt was essential to bringing about change. He warned against any one student trying to "micromanage" the investigation, and "begged" (his term) that no student push him to the mat on this one particular point, given the delicacy of the situation. He also said, if anything were to occur that would further indicate that there might be an imminent interrogation of graduate students, he would then immediately jump back in and press the UCLA Administration to make good on its promises of providing protection to graduate students in the UCLA Slavic Department who agreed to the UCLA Administration's request to cooperate fully with the investigating committees.

As has been stated above, it didn't take long for such a threatening scenario to arrive, in the form of Michael Heim's email to graduate students in the UCLA Slavic Department in which he continued the smear campaign against XX (the former student who allowed her story to be told) and in which he illegally released grades from her undergraduate transcript, and, most importantly, in which he tried to amend his previous inquiry as to who the dissatisfied students were: In this second email to graduate students, Heim tries to characterize this inquiry— "Who are 'the students' here?" — as purely rhetorical, and then states the following: "I am not asking which students came forth: I do not need to ask who the offended students are because I know who they are." It was this, in conjunction with the content of this message, that led to the head of the internal review team being again contacted and asked to demand of the UCLA Administration that it fulfill its stated commitments to the graduate students of the Slavic Department of protection from retaliation and interrogation.

Unfortunately, it appears that this never took place as the topic was never again broached. Indeed, in the letter sent by the head of the internal committee to graduate students in the UCLA Slavic Department, they are explicitly encouraged to engage in discussion with the faculty that had just used threats of legal action to force the UCLA Administration into a state of submission. From the letter: "We also encourage you to participate in the departmental discussions of the report so that the chair may prepare the departmental response." (See [Section IV-C.](#))

The rest is self-evident. The UCLA Slavic Department faculty saw that their threats had worked, and that, however painful the experience had been, they had reached the bottom and were in a position to do what they so very desperately wanted to do, and that was to regain control. To repeat what was said above, this was the single most important point in the review. Graduate students, for the most part, did not then, and do not now, doubt that the chair of the

internal committee had their best interests at heart when he made the decision not to press the UCLA Administration to keep its promises and demand that it not back down in the face of legal threats from the Slavic Department faculty. For him, this seemed like a logical decision at the time based on the framework within which he was operating and the presuppositions on his part which supported that framework.

What was that framework and what were the presuppositions? The chair of the internal committee, based on his comments on the delicacy of the situation, approached the UCLA Administration within a framework of negotiation, of prodding the UCLA Administration to do the right thing, but with the full knowledge that he could not force anything to happen, could not force the UCLA Administration to act one way or the other. Hence this tentative (at least in this instance) approach to the problem of Slavic Department faculty contacting Slavic Department graduate students. The presupposition which underlies this approach is that, although such a careful approach might not bring about everything that is needed, might not bring about everything that has to be done to change the system, it will nonetheless bring about some positive change, which is better than nothing, and it seems as though "nothing" was exactly what the head of the internal committee was afraid he would wind up with were he to push the UCLA Administration too hard on the question of keeping the promise made to graduate students to protect them from retaliation and interrogation at the hands of the Slavic Department faculty.

It cannot be emphasized enough that, of all the investigating bodies and all the bodies which represented the University in these investigations, the internal review team was the one body that acted in a conscientious way, with almost all of its actions consistent with what was best for the beleaguered graduate student body in the UCLA Slavic Department. This one particular decision, however, turns out not to have been correct. The head of the internal review team should have insisted that the UCLA Administration come through on its promises to protect graduate students. If this meant that the UCLA Administration would have, because of repeated pressure by the chair of the internal review team, ceased to take him seriously, then so be it. In other words, the "negotiations framework" was not the best framework to use, at least not when it came to the issue of the UCLA Administration fulfilling its promise of protecting graduate students. A better solution, at least from the point of view of some of the graduate students, would have been for the head of the internal review team to stand his ground, and had he continued to be rebuffed, to resign and go public with the reasons for his resignation.

This was one of the few mistakes made by the internal review committee in what was an enormously complex and difficult task, especially given the fact that it had nowhere near the needed administrative and investigative support required for a task so large. And yet, the consequences of this mistake cannot be denied. It allowed the faculty of the UCLA Slavic Department to get back up on its feet and begin the process of re-acquiring power. It sent a message to the faculty of the UCLA Slavic Department that they could indeed threaten the UCLA

Administration and do so effectively. Most of all, it was the beginning of the process to bring graduate students to heel and to re-instituting a system that allowed the faculty to influence, and to varying degrees control, the graduate student body, a group of students that was still heady from the experience of seeing the abuses of the UCLA Slavic Department finally brought to light. With the failure of the UCLA Administration to enforce its directive that Slavic Department faculty not speak with Slavic Department graduate students about the Eight-Year Review, a process was set into motion: order was being restored.

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