

12 November 2011

To: Provost Kvistad and Chancellor Coombe

From: DU Chapter, AAUP

Re: Arthur Gilbert Case

cc: Adam Kissel, Christopher Hill, Kathryn Grove, Amy King, Kathy Ohman, Cary Nelson

We, the undersigned members of DU's AAUP chapter, urge you to vacate the decision finding Professor Arthur Gilbert guilty of sexual harassment as recommended by the Foundation for Individual Rights in Education (FIRE) in its letter to Chancellor Coombe of November 4, 2011.

When the Gilbert story broke last spring our chapter quickly went on record to express concerns about both the due process and academic freedom dimensions of the case (see attached memo). We closely followed the case in subsequent months. The final decision against Professor Gilbert only deepens our original concerns. The findings of DU's internal Faculty Review Committee combined with FIRE's external, independent analysis of the case make a very strong argument for fully exonerating Professor Gilbert of the charges against him.

We don't believe that justice in this case has been served. We renew our offer to help formulate policy to ensure that it will be better served in the future. We will continue to work with the Faculty Senate and others to produce a stronger and better academic community. In the meantime, failure to vacate the decision will seriously undermine the university's expressed commitment to two vital elements of such a community: shared governance and academic freedom.

Respectfully,

Dean Saitta, Professor, Department of Anthropology and AAUP Chapter President
Miriam Bornstein, Associate Professor, Department of Languages and Literatures
Roberto Corrada, Professor, Sturm College of Law
Michael Cortés, Clinical Assistant Professor, Graduate School of Social Work
Sandra Dixon, Associate Professor, Department of Religious Studies
Claude d'Estree, Director, Human Rights Program, Josef Korbel School of International Studies
Sarah Gjertson, Associate Professor, School of Art and Art History
Sylvia Hall-Ellis, Associate Professor, Morgridge College of Education
Scott Leutenegger, Professor, Department of Computer Science
Salvador Mercado, Associate Professor, Department of Languages and Literatures
Naomi Reshotko, Professor, Department of Philosophy
Lynn Schofield Clark, Associate Professor, Department of Media, Film and Journalism Studies
Joseph Szyliowicz, Professor, Josef Korbel School of International Studies
Oscar Somoza, Professor, Department of Languages and Literatures
Paul Sutton, Associate Professor, Department of Geography
Paul Viotti, Associate Professor, Josef Korbel School of International Studies
Yavuz Yasar, Associate Professor, Department of Economics

AAUP Statement Regarding Professor Arthur Gilbert

From: Dean Saitta

Sent: Friday, May 20, 2011 4:00 PM

To: Gregg Kvistad; Christopher Hill; Amy King

Dear Provost Kvistad, Dean Hill, and Ms. King

DU's AAUP chapter met on Wednesday, May 18th and approved the following statement regarding the Arthur Gilbert suspension:

"We'd like to see the policy and procedures that were followed in removing Professor Gilbert from his classroom and banning him from campus. At present, ODEO policies (found on its DU webpages) indicate that anyone accused of harassment "*...will be informed of any complain [sic] filed against you and provided with an opportunity to respond to the specific allegations.*" ODEO policy also stipulates that "*the burden of proving sexual harassment [as defined in the official DU policy] rests with the accuser.*" We'd like to see DU's "forced administrative leave" policy as it pertains to faculty classroom speech. If such a policy doesn't exist, we should develop one that will guarantee rights of due process for faculty (or, the "process that is due" faculty) so that procedures aren't conjured on the fly and capriciously applied. The AAUP chapter will help to develop such a policy if one doesn't exist. In addition to concerns about procedures we have serious concerns about the academic freedom dimensions of this case and the chilling effect that it could produce in the classroom (if such effects aren't already being experienced in Korbel and elsewhere). APT revision should include inserting stronger language protecting academic freedom. Our chapter has already formally recommended this as part of our input into the APT revision process. The AAUP chapter and Faculty Senate should also pass a resolution reaffirming the importance of academic freedom protections to a healthy, vibrant university community."

AAUP recommended policy and procedures for dealing with sexual harassment complaints may be found here: <https://portfolio.du.edu/pc/port?page=2&uid=15048>

Respectfully,
Dean Saitta

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