

**Subject:** Re: comment on the Gilbert story.  
**Date:** Sunday, October 23, 2011 6:51:49 PM MT  
**From:** Dean Saitta  
**To:** Peter Schmidt, Sara Hebel

Hi Sara, Peter—

Professor Gilbert has heard from the Provost and I believe he's sent you a copy of the decision. For background I'm attaching three documents that capture the history of our campus AAUP chapter's engagement with the case: (1) my original memo expressing concern; (2) a formal expression of concern from the chapter, and (3) a redacted version of my supplementary report as a Faculty Review Committee (FRC) member.

I'm also prepared to say the following for myself, as my "bottom-line" reaction requested by Peter. Feel free to use what you will:

I don't believe the final decision was just nor do I believe that Professor Gilbert was treated fairly or appropriately. The final decision in the case does nothing to allay the concerns expressed in the documents I've attached, and in fact it only deepens them. I don't believe that there's anything in DU policy to prepare a faculty member for what happened to Professor Gilbert; i.e., removal from the classroom and banishment from campus until permitted by their dean to re-enter. In my opinion the original anonymous written complaints against Professor Gilbert do not allege anything that could be construed as sexual harassment under current DU policy. Certainly they contain issues for a faculty member and supervisor to discuss, but sexual harassment is not one of them. The subsequent formal investigation of Professor Gilbert's behavior did not establish compelling (nor even, in my view, a "preponderance of") evidence for sexual harassment and the investigation may have been inappropriately widened to increase the likelihood of discovering such evidence. It seems to me that the procedures used are not only unspecified by university policy but also inconsistent with policies recommended by groups like the AAUP, FIRE, and NAS.

In my opinion there's certainly an academic freedom dimension to this case. The final decision sends a rather chilling message that if your classroom speech offends even a single student and that student complains, you are subject to removal from the classroom, suspension from campus, and an investigation that knows no limits. Given how Professor Gilbert was treated I'm not inclined to teach my course on human evolved psychology and sexuality—a course whose subject matter significantly overlaps with that taught by Gilbert and whose academic content inevitably creates student discomfort—until the institution establishes better policies respecting academic freedom and due process. The risk to professional career and reputation, in my opinion, is too great.

Finally, it's troubling that any faculty member would be treated this way, let alone a 50 year veteran of university teaching who has often been identified by both DU students and administrators as an exemplar of the dedicated teacher. The matter could have been handled very differently without violating DU's expressed commitment to treat all people—a category that includes teaching faculty—with dignity, decency, and respect.

Thanks,  
Dean