

November 18, 2011

To the AAUP membership and other interested parties.

The Assistant to the Chancellor, Claire Brownell has recently responded in a very brief letter to Adam Kissel of the FIRE who wrote a letter on my case dated November 4, 2011. I thought it was unusual that the Chancellor would not take the time to respond directly to a serious issue like violation of academic freedom and Mr. Kissel has confirmed this in a recent email. One phrase in Ms Brownell's letter stands out. It is the claim that the University of Denver followed "its established disciplinary and grievance process." Based on my experiences, I thought it might be useful to sum up the DU grievance process as practiced by our administrators.

1. It is perfectly permissible for the University of Denver to dismiss a faculty member from teaching a class if two (or even one) student writes an anonymous letter of complaint to a DU administrator. This is true, in particular, if the administrator decides to file it under sexual harassment or "extraneous material in the classroom." (Please note that it is essential that the University investigate sexual harassment and I strongly support this effort but this is not the same as discussing sexual matters if they relate to the topic under discussion in a classroom.) Please see my defenses as listed on the FACULTY FORUM website.
2. There is no requirement for the administrator to actually show the incriminating letter(s) to the faculty member although the administrator is free to read selections from the accusing epistles to students who he might call in for a chat about the case.
3. DU policy mandates that the charges, no matter how frivolous, must be sent to Human Resources whose personnel are allowed to investigate classroom content even if they have no competence to judge the relevance to the subject matter and issue reports on sexual harassment based on their personal opinions or guidelines that are extraordinarily vague.
4. On orders from senior administrators, Human Resources has the authority to cull information from student evals and unsubstantiated comments in order to find "patterns" that might substantiate the original charges from anonymous students. Given the fact that the DU evals system has a section which invites negative comments, this puts the faculty member at the mercy of negative comments without any reference to base rate data that might be supportive.
5. Once this very long process is completed, DU procedures allow for the administrator to "interpret" the HR report without consulting any outside and untainted observer . In practice this means that the accuser, who might have a reason to interpret the HR report to support his original accusation is allowed to demand punishment which may or may not be justified by the evidence.
6. There is supposed to be a timetable for this grievance process but it can easily be manipulated by Deans and others so that deadlines can be ignored because DU administrators can do so without punishment. Clearly the suffering caused by long delays is not important under the grievance process.
7. Faculty members convicted under this system then enter into a four step appeals process. Step three allows the accused and convicted individual to appeal to the Faculty Review

Committee. Even if this committee which is made up of academics overturns the decision or calls it outrageous, it is only advisory and the Provost can simply ignore its findings in order to protect his fellow administrators. Thus to all intents and purposes the idea of faculty governance is compromised.

8. There is no recognition of conflict of interest and there is no provision for an investigation in order to determine if administrators have a stake in a particular decision. This would be a common place in law and ethics.
9. The administration can simply ignore outside comments by individuals or organizations that are neutral observers unless, of course, they support the administration's policy on discipline and punish.
10. Given of the nature of Chancellor Assistant's faith in DU's established disciplinary and grievance policy, it would be very difficult for anyone, particular unprotected adjuncts, untenured young faculty members, or the staff to survive this process and be reinstated without punishment into the DU community.

This is the reality of DU's established disciplinary and grievance process. As a survivor of this process, I feel that I can speak to how the process works and why it needs to be changed as soon as possible.

Arthur N. Gilbert
The Korbel School of International Studies