

## CU-Boulder drops bid to fire David Barnett with \$290K settlement deal

### Philosophy professor's resignation effective May 31

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The University of Colorado ended its months-long bid to fire David Barnett with a \$290,000 settlement agreement reached Tuesday that includes the embattled philosophy professor's resignation.

CU last summer initiated a rare termination proceeding against Barnett over allegations that he retaliated against a female student who said she was sexually assaulted by a male student.

After months of fighting back, Barnett is leaving CU. His resignation is effective May 31.

The university will pay Barnett \$160,000 and his attorney, Brian Moore, \$50,000, [according to the agreement](#). CU is also forgiving an \$80,000 down payment assistance loan for Barnett, according to both sides.

Barnett said although he still believes the university's sexual misconduct investigation procedures are flawed, he was "happy" to accept the university's offer after a year of paid leave. He received his full salary of \$77,688 but did not teach classes this year.

Moore, his attorney, said Barnett would have accepted a package worth \$290,000 to resign from CU "even if there had been no threat of termination."

CU President Bruce Benson said in a statement that he felt "the best course of action was to negotiate a resolution that permanently separates (Barnett) from the University of Colorado."

He also hinted that he would have recommended termination for Barnett, saying that he wanted to avoid the possibility of Barnett returning to the campus at the conclusion of a lawsuit.

Only three tenured professors have been fired in the university's 138-year history. All three — Ward Churchill, R. Igor Gamow and Mahinder Uberoi — took legal action against the university in connection with their firings.

Patrick O'Rourke, CU's chief legal officer, said Benson felt the agreement was also best for the female student who complained that Barnett retaliated against her. The university paid her [\\$825,000 last summer in a settlement deal](#).

"One of the things that President Benson wanted to do was to make sure that professor Barnett would not return to the campus while she continued to remain a student and to protect her learning environment," O'Rourke said.

O'Rourke said Benson also considered the philosophy department as a whole. Over the last year and a half, it has faced intense scrutiny since the public release of a report that described a culture unfriendly to women.

Several male professors accused of misconduct have left the department this year.

"(The settlement) allows the department that has had a lot of challenges to look forward rather than remaining in the past," O'Rourke said. "The possibility of having years of litigation involving professor Barnett was something that would not be good for the department."

#### Months-long process

The female student last July accused Barnett of launching an independent investigation into her claim that she had been sexually assaulted by a male philosophy student at an off-campus house.

The woman claimed that Barnett had discussions with other faculty members and students about her sexual history and compiled a lengthy report about her behavior on the night of the assault.

Barnett, however, argued that he was acting as a whistleblower and was concerned about the integrity of the university's investigation into the assault.

He appealed the university's decision to fire him and, as a result, a faculty panel heard CU's case against Barnett in December.

After four days of testimony, the panel found that Barnett had not retaliated against the woman but had engaged in conduct that was below the standards of the profession. The group [recommended a one-year suspension instead of termination](#).

For the last three months, CU's president [had been weighing the case against Barnett](#). If Benson had recommended termination, CU's nine-member Board of Regents would have made the final determination about the professor's future.

### **'Flawed system'**

Barnett said Tuesday that he believes Benson would have recommended firing if the two sides had not made a deal.

"Although the grievance panel found that I was innocent of retaliation and recommended that I be retained, President Benson let me know that he intended to dismiss me," Barnett said. "Perhaps because of the panel's findings, the administration was willing to pay me well for a letter of resignation and release of claims."

He said he believes the university has a "flawed system" for investigating sexual misconduct claims.

Barnett said he wishes the university would devote "comparable resources" to establishing an appeal process for those found responsible of sexual misconduct. The faculty panel that reviewed his case also recommended that the university develop and publish instructions for appealing a finding.

"It grants the accused no right to see the evidence against him or her, no right to a hearing and no right to appeal," he said. "After I challenged this system in the context of a case involving a former student of mine, the chancellor sought to terminate me, claiming that I had retaliated against the former student's accuser."

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