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## Report accuses U. Colorado at Boulder administration of violating academic freedom in reaction to sexism probe

Submitted by Colleen Flaherty on April 18, 2014 - 3:00am

A report on sexism in the department of philosophy at the University of Colorado at Boulder shocked many in and outside of the discipline upon its release earlier this year. Although allegations of sexism within philosophy are not uncommon, the American Philosophical Association Report -- which was to remain confidential -- described the Boulder department as one with “unacceptable sexual harassment, inappropriate sexualized professional behavior, divisive uncivil behavior.”

Upon [making the report public](#) <sup>[1]</sup>, Boulder’s administration announced it was overhauling the department’s culture, starting with changing chairs and mandating anti-sexual-harassment training for all faculty members.

But [a new report](#) <sup>[2]</sup> from the American Association of University Professors’ Colorado Conference and University of Colorado Chapter casts the university, not just the department, in a questionable light, accusing administrators of violating faculty members’ academic freedom and principles of shared governance, and of being more motivated by fear of litigation than by ethics in its response to the inquiry.

The chapter and conference “condemn several recent attacks upon the academic freedom, shared governance, and due process rights of faculty by CU-Boulder Arts and Sciences Dean Steven Leigh and Provost Russell Moore,” the report says. It alleges that the administrators “threatened to dissolve the philosophy department – a threat that silenced faculty criticism on an issue of institutional importance,” and that they chose to release the sexism report despite assurances to the faculty that it would remain confidential. Last, the AAUP report says, the administrators “have enforced an atmosphere of intolerance for faculty speech that they find distasteful or with which they disagree.”

Don Eron, a full-time, non-tenure-track professor of writing at Boulder and treasurer of AAUP’s Colorado Conference, as well as a member of the national AAUP’s Committee A on Academic Freedom and Tenure, wrote the report, based on faculty interviews and accounts, emails and other sources.

In a “nutshell,” he said, it appears that “fears of litigation compelled the administration to run roughshod over faculty rights.”

Moore and Leigh met with the philosophy faculty in spring 2013 to discuss the 15 complaints that had been lodged against the department since 2007 with the university’s office of discrimination and harassment.

According to the AAUP report, the administrators at that time demanded that the department take immediate, concrete steps to reform or face possible severe sanctions. The report says that

professors' claims that the department already was working to reform, and that they didn't know if the 15 complaints involved one or multiple people, were "inconsequential" to the administrators.

Two days later, the department's climate committee contacted the American Philosophical Association's Committee on the Status of Women to request a site visit. The AAUP report says that faculty members believed that the results of the probe and recommendations for improvement were to remain confidential – both to the public and to upper-level administrators.

In November 2013, the then-chair of the department, Graeme Forbes, sent copies of the site visit team's report to all members of the department, but told them not to discuss the report with anyone outside the department for fear of administrative reprisal.

The next month, Moore and Leigh met with the philosophy faculty to discuss the report -- copies of which they'd gotten from the site visit team, despite professors' initial understanding that it would not be released to upper-level administrators, according to the report.

The AAUP report says that Moore and Leigh "raised the specter of Jerry Sandusky [the convicted pedophile and former assistant football coach at Pennsylvania State University]: this was a 'post-Sandusky' era when universities were subject to multimillion-dollar lawsuits (and administrators to criminal investigation) if they were found not to have acted forcefully in the face of complaints involving sexual misconduct." (The original site visit team report does suggest that the university should have intervened sooner, in light of the complaints about the departmental culture.)

The administrators warned the faculty to take action immediately to change the department's culture, but also warned the faculty "not to mention the report if asked about developments within the department," according to the AAUP report.

Despite that, the university released the report to the public and local news media in late January, with little to no notice to the faculty. The AAUP report says that in so doing, they "damaged the reputations of numerous individual members of the philosophy department," as the site visit team's report "necessarily generalizes about faculty behavior without substantiation through fact or anecdote," as not to reveal the identities of the alleged victims or perpetrators. In essence, by naming no one, the report implicated everyone -- problematic for a public document.

The AAUP report questions why the site team released its findings to administrators. But it finds the team may have believed members were invited by administrators as well as the department, and so felt compelled to share the findings with their "hosts." Still, it says that Michael Tooley, a professor in the department, sought documentation of the administrators' invitation through an open records request, but found nothing. (Tooley did not immediately respond to a request for comment.)

The site team visit members may have mentioned their intent to release the report to administrators in discussions with professors, but that possibility is disputed, according to the report. The document raises one more possible explanation for why the report was shared with the university: that it would have been available to administrators if they had asked for it through an open records request, so the team sent it ahead of any such request.

But even members of the site team said in January that they were "shocked" the report had been made public.

The AAUP report also calls out the university for actions following the release of the report, including administering sanctions to two members of the philosophy department.

The first, Bradley Monton, an associate professor, allegedly told the Boulder Faculty Association in February that the site visit team report "overstated" the degree of sexual harassment in the department. His comments are captured in association meeting minutes, quoted in the reported, that since have been revised.

Monton allegedly was forced to meet with Leigh, the dean, and the new chair of the philosophy department, Andrew Cowell, a professor of linguistics who had been recruited from outside the department to lead the change. The report says that Monton was encouraged at the meeting to

retract the opinions he had expressed to the faculty body, and to resign as a member of the association's executive committee. Those present allegedly brought up a faculty complaint about a Facebook post Monton had made several years earlier.

Monton's official letter of sanction says that his comments at the meeting were a "deliberate" attempt to mislead the public about circumstances within the department. He was banned from departmental service and denied service credit in his annual review.

In the second case, Dan Kaufman, an associate professor, in March was escorted by four police officers to the dean's office. According to the report, he was told he was being banned from campus indefinitely for making a comment to Cowell about killing him.

The report finds that the comment was far from a threat, but rather a "philosopher's joke" and standard fare for any philosophy textbook: that they wouldn't kill each other, "unless Cowell were truly evil, like Adolf Hitler."

The report says that both cases raised questions of academic freedom and the university's commitment to shared governance. It notes that academic freedom is not an "unfettered right," but that both cases should have been adjudicated by a faculty body before sanctions were unilaterally imposed by the administration. It recommends that the university rescind its disciplinary actions against the professors, which "usurped faculty responsibility," and that the department revisit the process by which Forbes was removed as chair.

The report also calls for the university to rescind its indefinite ban on graduate admissions to the department, and to let the faculty decide whether it can handle taking on more graduate students as it seeks to change its culture.

Eron said he hoped the report would make the administrators in question "accountable" for their actions. "If not, academic freedom will remain a wonderful abstraction."

In a statement, Ryan Huff, a university spokesman, said the AAUP report pertains to personnel matters, on which the university does not comment.

"As a result, we do not plan to follow the report's recommendations, nor will we comment on the validity of any statements made within those recommendations or the rest of the report," Huff said.

The spokesman added that last weekend, the department had a "very productive and positive retreat and has identified concrete steps for improving the climate," and that the new chair, Cowell, and the rest of the philosophy faculty "demonstrated both the leadership and the willingness to address these issues directly. Their work is important here at [Boulder] and for the national dialogue about the climate for all in the field of philosophy."

Cowell referred questions to the university. Forbes, former chair of philosophy, could not immediately be reached for comment.

Via email, Kaufman said he was still banned from campus, but that he was appealing the decision.

He described the comment that prompted his exclusion as similar to "stuff I say in class all the time, as I would imagine many of my colleagues do, as well. They are standard examples used in intro to philosophy and intro to ethics courses."

He declined to comment further on the AAUP report.

Monton described his experience as "Orwellian" and said he did not deliberately mislead the faculty body in any way, "I still think that most everything I said was true," he added.

Via email, Valerie Hardcastle, a member of the site visit team and professor of psychology and philosophy at the University of Cincinnati, said all members of the team agreed to "strict confidentiality" regarding the visit. Peggy DesAutels, another member of the site visit team and a professor of philosophy at the University of Dayton, said the team only releases its findings to those

who have invited it for a visit -- typically a department chair only. In the Boulder case, she said, the team was "informed" it had been invited by the chair, the dean and the provost. The team "did not expect" that the report would be made public, DesAutels said.

Hardcastle added: "We believe that our commitment to confidentiality is fundamental and inviolable. We have no comment on what university personnel have chosen to do with the report, nor any comments on anyone's reaction to what personnel have chosen to do in response."

### Academic Freedom <sup>[3]</sup>

**Source URL:** <http://www.insidehighered.com/news/2014/04/18/report-accuses-u-colorado-boulder-administration-violating-academic-freedom-reaction?width=775&height=500&iframe=true>

#### **Links:**

[1] <http://www.insidehighered.com/news/2014/02/03/u-colorado-plans-change-culture-philosophy-department-found-be-sexist#sthash.CaWxg91Y.dpbs>

[2] <http://aaupcolorado.org/>

[3] <http://www.insidehighered.com/news/news-sections/academic-freedom>