

Professor Patricia Adler and the University of Colorado

Introduction

In the past few weeks, a case has arisen at the University of Colorado that has attracted the attention of national bodies, including the American Association of University Professors, and, most recently, the American Civil Liberties Union – a case whose outcome may have important implications for university professors nationwide, especially with regard to academic freedom. For this reason, I have been following events very closely.

Descriptions of the relevant events, and commentaries on them, are found in various places, with the result that it turned out to be a somewhat time-consuming task trying to get a reasonably comprehensive picture. It therefore occurred to me that, even though what I have done is far from complete, others who share my concerns about our universities might find my summary helpful.

In putting together a summary, I had initially hoped that it would be possible to provide accounts of the differing views of the matter. It turned out, however, that virtually everything I read was critical of the University of Colorado administration's actions in the case. In the end, then, given the present dearth of material defending the actions of the administrators involved, I decided to focus only on the criticisms that have been advanced. But I think that there must be many who feel very strongly that the administrators acted appropriately, and I believe that my summary should be helpful to such people, and also to the administrators involved, in making clear at least some of the crucial points that need to be addressed in any satisfactory defense of what was done.

Note on the Appendices

In my searches, I found several documents containing material that is relevant to an understanding of this case, including: (1) an article entitled “U. of Colorado’s Response to a Gritty Lecture Worries Sociologists,” written by Peter Schmidt, and published in *The Chronicle of Higher Education* on December 17, 2013; (2) two articles from *Inside Higher Education*; (3) a commentary on the second of the articles from *Inside Higher Education*, focusing on the institutional review board (IRB) issue; (4) a number of detailed articles by Staff Writers with a Boulder, Colorado, newspaper called the *Daily Camera*, all but one of them written by Sarah Kuta; (5) Professor Adler’s statement concerning her decision to remain at the University of Colorado; (6) three statements by the American Association of University Professors, at the national, state, and local levels; (7) a joint statement by the American Civil Liberties Union, the National Coalition Against Censorship, and two other organizations; (8) statements by University of Colorado administrators, including Provost Russell Moore, Chancellor Philip DiStefano, and University of Colorado spokespersons Mark Miller and Bronson Hilliard; (9) a report by the committee in the University of Colorado’s Department of Sociology that did a review of Professor Patricia Adler’s course “Deviance in U.S. Society”; and (10) material from a University of Colorado document setting out the University’s understanding of what constitutes sexual harassment – “Sexual Harassment Policy and Procedures,” Administrative Policy Statement Number 5014. All of this material is available online, but collecting it can be a time-consuming operation. Thus I have provided copies of the relevant documents in the appendices below.

Background

Professor Patricia (Patti) Adler has been teaching, for several years, a course entitled “Deviance in U.S. Society.” This course is very popular indeed, with an enrolment each time of around 500 students.

As part of the course, Professor Patti Adler makes use of a skit on prostitution, in which her teaching assistants take part, and two top administrators at the University of Colorado – Provost Russell Moore and the Dean of the College of Arts and Sciences, Steven Leigh – have said that complaints were made this year about the skit. Those complaints, in a way that has not been made clear, somehow resulted in a decision initially being made by the Head of the Sociology Department, a professor named Joanne Belknap, together with Dean Steven Leigh, to the effect that Professor Patti Adler would not be permitted to teach the course “Deviance in U.S. Society” in the coming spring semester. This was reported in an email letter that Provost Moore sent out to all University of Colorado faculty, staff, and students, in which he fully supported the action in question, and also attempted to justify.

The decision by Dean Leigh and Professor Belknap led to a meeting that, according to a December 16th article in the Boulder newspaper, the *Daily Camera*, took place on December 5th, and that involved Professor Adler and five other people:

“On Dec. 5, Adler said she was invited to a meeting that included the two investigators, College of Arts and Sciences Dean Steven Leigh, Associate Dean Ann Carlos and a member of the university's legal team.

“‘They said this skit was a risk to the university’, Adler said. ‘(The two investigators) scared the administrators so much that the administrators said I have to be taken out of the deviance class and that they offered me a buyout. I could get this two-for-five deal, but I have to take it right now’.”

Professor Adler was given the option of either accepting, by January 6th, an agreement under which she would resign her position in exchange for a payoff consisting of two years’ salary, to be paid out over the next five years, or else of continuing on at the University, but not teaching her course “Deviance in U.S. Society” in the coming semester. But in addition, as was also reported in the Boulder *Daily Camera* article on December 16th, the second option involved a significant risk: “The second option came with a caveat, Adler said. If the administration received even one complaint about her, Adler said she was told she would be fired immediately, without retirement benefits.” As faculty at the University of Colorado are, it seems, on a TIAA-CREF plan, I would think that Professor Adler – whom I shall henceforth often refer to as Patti Adler, simply to avoid being overly formal – could not be stripped of those benefits. What must have been meant, therefore, is that if Patti Adler were to decide not to retire by January 6th, the additional retirement benefit that she was being offered – and a very significant one, consisting of two years’ salary – would be off the table after that point, so that by deciding to remain at the University, and risking the chance of ultimately being fired, Patti Adler would have risked losing a very substantial sum of money.

These, then, were the options that Patti Adler was offered. Someone in the administration apparently realized very quickly, however – perhaps Provost Moore, perhaps Dean Leigh – that prohibiting Patti Adler from teaching her “Deviance in U.S. Society” course simply on the basis of a decision made by Dean Leigh and the Head of the Sociology

Department – Professor Joanne Belknap – would expose the University to a charge of violating academic freedom, and one that would be very difficult indeed to rebut. So the administration quickly switched to a different stance, according to which Patti Adler could teach the course in question provided that it passed a review by the Sociology Department.

Patti Adler then requested that such a review be done, and it was carried out by an *ad hoc* committee of the Sociology Department, and a committee, moreover that appears to have consisted of four very highly regarded members of that department: Professors Jane Mencken, Joyce Nielsen, Michael Radelet, and Kathleen Tierney. The committee’s unanimous conclusion was that there was no justification at all for the decision not to allow Patti Adler to teach the course in question. This decision was then accepted by Sociology Department’s Executive Committee, at which point the University administration finally agreed that Patti Adler could teach her “Deviance in U.S. society” course in the coming spring semester.

This, however, was not the end of the matter, as Patti Adler had to decide whether to accept the University’s retirement offer, or to continue on at the University. In addition, she had to consider whether to file suit against the University, a course of action that many people appear to believe would be clearly justified.

In the end, Professor Adler decided – and this surely required considerable courage, given the risks involved – to remain on at the University. As of now – January 12th – she has not, I think, decided whether to go through with a lawsuit, but the legal costs and the ongoing turmoil involved may very well persuade her not to go that route, even though it certainly seems that she has been treated very badly indeed.

The Case Against Provost Russell Moore and Dean Steven Leigh

Both many members of the University, and many people outside the University, along with national organizations such as the American Association of University Professors (AAUP) and the American Civil Liberties Union (ACLU) believe that the behavior of members of the University administration, including that of Provost Russell Moore and Dean Steven Leigh, is seriously wrong. Indeed, some have expressed the view that the behavior in question is so egregious that both Provost Moore and Dean Leigh should immediately tender their resignations, and that, if they do not so, they should be removed from their respective offices.

As I mentioned earlier, I have found virtually nothing by way of a defense of the actions of the University administration, and, as a result, I am going to have to confine my discussion to the case for the prosecution. But those who believe that the University administration is not guilty of any wrongdoing in this matter will hopefully find that the following summary is helpful in enabling them to see clearly what points need to be addressed by any defense of the actions of Provost Moore, Dean Leigh, and other administrators involved.

In what ways, then, are Provost Moore and Dean Leigh deemed by many to have engaged in morally unacceptable behavior? The main things that have turned up in the searches that I have carried out are as follows. First, it has been claimed that Provost Moore has engaged in very serious defamation of character in the case of Professor Adler. Second, it has been claimed that both Provost Moore and Dean Leigh are guilty of serious violation

of academic freedom. Third, it has also been claimed that both of them, together with a body known as the Office of Discrimination and Harassment, violated due process. Fourth, it has been claimed that Provost Moore and Dean Leigh, quite possibly along with others, have attempted to induce and intimidate Patti Adler into resigning her position. Finally, it has been claimed that both Provost Russell Moore and Dean Steven Leigh have been engaged in an ongoing cover-up operation in which they and other members of the Administration are attempting to conceal, from members of the University, and from the general public, the true nature of their actions.

First: The Defamation of Character Charge

Among the most important aspects of the Administration's actions in this case are, it has been claimed, on the one hand, defamation of character, and, on the other, violation of academic freedom, both of which are highlighted in the opening paragraph of a statement issued by the CU-Boulder chapter of the American Association of University Professors: "The University of Colorado chapter of the American Association of University Professors (AAUP) joins our Colorado Conference and our national association in condemning the University of Colorado's assault on the reputation and academic freedom of sociology professor Patricia Adler."

To begin with the former of these – the assault on Professor Patti Adler's reputation – it is claimed that the Administration has made a number of statements that constitute very serious defamation of character. As a result, Patti Adler said that she was seriously considering filing a lawsuit against those responsible, not only to clear her own reputation, but also to reduce the likelihood that those responsible will be able to act in similar ways against other members of the University. Many people, moreover, appear to feel very strongly that such a lawsuit would be very appropriate.

What would be the grounds for such a lawsuit? First of all, in an email letter of December 16th, Provost Moore says,

"To reiterate, Professor Adler has not been fired or forced to retire. As to comments she has made that she might be fired in the future, I should note that any employee at the University – including faculty members – found responsible for violating the University's sexual harassment policy, is subject to discipline up to and including termination."

Anyone who reads this letter from Provost Moore – a letter that was sent out to *all University of Colorado faculty, staff, and students* – will surely be inclined to conclude that complaints must have been advanced against Patti Adler claiming that she was guilty of sexual harassment.

What exactly was Provost Moore suggesting that Patti Adler might very well be guilty of when he used the expression "sexual harassment"? The answer is contained in an official University document entitled, "Sexual Harassment Policy and Procedures" – Administrative Policy Statement Number 5014 – a document that can be found in full at the following website: <https://www.cu.edu/policies/aps/hr/5014.pdf>

Here, then, is how "sexual harassment" is defined in that document:

"Sexual harassment - Sexual harassment consists of interaction between individuals of the same or opposite sex that is characterized by unwelcome sexual advances, requests for

sexual favors, and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, living conditions and/or educational evaluation; (2) submission to or rejection of such conduct by an individual is used as the basis for tangible employment or educational decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or educational environment.”

Sexual harassment always requires, then – just as anyone hearing that phrase would assume – “conduct of a sexual nature”. But there appears to be no reason at all for thinking that Patti Adler is guilty of sexually harassing students. Any such claim has, as the AAUP Colorado Conference notes in its December 18th “Statement Regarding University of Colorado and Professor Patricia Adler,” absolutely no basis at all.

In addition to the definition of “sexual harassment,” the document “Sexual Harassment Policy and Procedures” also introduces the idea of “hostile environment sexual harassment”. It might be suggested, then, that Provost Moore could perhaps escape defamation charges by arguing that his use of the expression “sexual harassment” was a slip, and that what he really had in mind was “hostile environment sexual harassment.” Indeed, in Provost Moore’s email statement of December 16th, one finds the following passage:

“A number of you have raised concerns about academic freedom and how it may connect to this situation. Academic freedom protects faculty who teach controversial and uncomfortable/unpopular subjects. However, academic freedom does not allow faculty members to violate the University’s sexual harassment policy by creating a hostile environment for their teaching assistants, or for their students attending the class.”

In this passage, Provost Moore is saying that creating a ‘hostile environment’ for one’s students is to violate ‘the University’s sexual harassment policy’. But that is simply false, and since Provost Moore is surely thoroughly acquainted with that policy, he must know that it is false, and so it is hard not to view Provost Moore’s statement as a deliberate attempt to mislead people.

What Provost Moore has in effect attempted to do here, it might very well be argued, is to get people to confuse the concept of a ‘hostile environment’ with the very different concept of ‘hostile environment sexual harassment’. Only the latter is relevant to the University of Colorado’s sexual harassment policy, and, as one can see from the following definition contained in the document in question, “hostile environment sexual harassment” by definition involves “sexual conduct”:

“Hostile environment sexual harassment: (described in subpart (3) above) is unwelcome sexual conduct that is sufficiently severe or pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, hostile or offensive. The determination of whether an environment is "hostile" must be based on all of the circumstances. These circumstances could include the frequency of the conduct, its severity, and whether it is threatening or humiliating. Examples which may be policy violations include the following: an instructor suggests that a higher grade might be given to a student if the student submits to sexual advances; a supervisor implicitly or explicitly threatens termination if a subordinate refuses the supervisor's sexual advances;

and a student repeatedly follows an instructor around campus and sends sexually explicit messages to the instructor's voicemail or email.”

The upshot is that Provost Moore, in his email, and in an attempt to defend his Administration’s actions, has –deliberately, it would seem – attempted to generate a misunderstanding of the University of Colorado’s sexual harassment policy.

Moreover, playing upon this confusion appears to be an ongoing strategy of the University administration, since in a December 17th *Daily Camera* article, one finds the following passage:

“Academic freedom vs. harassment policies

“University officials said there's long been discussion about how to protect academic freedom while taking reports of sexual harassment and sexual assault seriously.

“In cases where course materials include discussions, graphics or texts about sexuality, that discussion can get tricky, CU officials said.”

But there is nothing “tricky” here – aside from what the “CU officials” in question (Provost Moore and Dean Leigh, perhaps?) are attempting to do in suggesting that “discussions, graphics or texts about sexuality” fall under the rubric of “sexual harassment and sexual assault.” This whole attempt to suggest that there is some tension between academic freedom and sexual harassment policies is surely quite preposterous, and, if this is right, it strongly suggests that the present Administration, as long as Provost Moore and Dean Leigh are a part of it, poses a serious and ongoing threat to academic freedom at the University of Colorado.

As noted at the beginning of this section, the CU-Boulder chapter of the American Association of University Professors, in the statement that it issued, described itself as joining with the Colorado Conference of the AAUP and the national association of the AAUP “in condemning the University of Colorado’s assault on the reputation and academic freedom of sociology professor Patricia Adler.” The CU-Boulder chapter then went on to list a number of things that the administration of the University of Colorado needed to do, including

- “retract Provost Russell Moore’s original, unfounded statement to the university community in which he strongly implied that Professor Adler had sexually harassed her students and issue a public apology to Professor Adler”

How did Provost Moore respond to the very serious charge that he had been guilty of an “assault on the reputation” of Professor Patti Adler, and to the request that he retract his “original, unfounded statement to the university community,” and that he “issue a public apology to Professor Adler”? The answer is that he himself has said nothing, but that there have been responses by a spokesperson for the University of Colorado, Bronson Hilliard, the first of which is described in the following passage in a December 29th article in the Boulder *Daily Camera*:

“The Boulder chapter of the American Association of University Professors is calling on the University of Colorado to retract statements about tenured sociology professor Patti Adler.

“In a statement made Sunday, the group urges CU to retract Provost Russell Moore's statement to the university community, saying Moore ‘strongly implied that Professor Adler

had sexually harassed her students'. The group also asked CU to issue a public apology to Adler and allow her to resume teaching without further reviews.

“CU spokesman Bronson Hilliard said a retraction will not be forthcoming.

“‘It was a statement that emphasized the importance of student safety alongside academic freedom’, he said. ‘Those are two values we’re very committed to’.”

A later article in the *Daily Camera*, published on January 9th, 2014, then contained the following statement: “CU-Boulder spokesman Bronson Hilliard confirmed that Adler will be returning to teach the course, but added that the university will not be apologizing to Adler.”

Bronson must surely be speaking for Provost Moore in both of these cases. A very senior member of the Administration has, in effect, been accused of defamation of character, has been asked to retract the statement in question, and to issue a public apology. For surely no spokesperson would say that Provost Moore is not going to retract his statement, or say that Provost Moore is not going to apologize to Professor Adler, without consulting Provost Moore. Or if Bronson Hilliard had done so, in a moment of temporary madness, Provost Moore would surely have immediately indicated that Bronson Hilliard was not speaking on his behalf, on either or both of those occasions. But Provost Moore did not do so on either occasion, choosing instead to remain silent.

The conclusion, in short, is that Provost Moore has refused to retract the very damning statement in question, and has refused to apologize to Professor Adler for it. In addition, rather than having the courage to say so himself, Provost Moore has apparently delegated those tasks to Bronson Hilliard.

The conclusion, accordingly, is that, in light of the above, there appears to be a *very* strong *prima facie* case for the claim, which many have advanced, that Provost Moore has been guilty, among other things, of *serious* defamation of character in the case of Patti Adler, and a defamation for which he remains totally unapologetic.

Among the other problematic statements and documents issued by members of the University of Colorado administration, there is also an email that Chancellor Philip DiStefano sent out on December 19th, to all faculty of the University of Colorado at Boulder – but, unlike Provost Moore, not to staff or students. In that email – which can be found in Appendix 8 – Chancellor DiStefano appears to be attempting to provide some support for the actions of Provost Moore and Dean Leigh by in effect defending them against the charge that they violated academic freedom. But in doing so, Chancellor DiStefano unfortunately uses the expression “harassment and discrimination,” neither of whose terms refer to anything of which there is any reason for thinking that Professor Patti Adler was guilty. However, Chancellor DiStefano does, commendably, avoid the extremely damaging and defamatory charge of *sexual* harassment that Provost Moore advanced against Patti Adler.

Second: Violation of Academic Freedom

The American Association of University Professors has issued a total of at least three statements regarding the case of Patti Adler – at the national, state, and local levels – and all three levels of the AAUP have strongly and unequivocally expressed the view that

there has been a serious violation of academic freedom. Thus, for example, the national board of the AAUP says,

“Although the university has not made public its own account of what transpired between university representatives and Prof. Adler, reports in the media and the testimony of many faculty and students at Boulder make clear that there has been an unwarranted and egregious violation of her academic freedom, specifically her right as a faculty member to select her own instructional methods within the broad parameters of her discipline and university policies.”

The Administration, in response, has attempted to argue that it has not engaged in any violation of academic freedom, and it has done so by offering a variety of – and, as many others have pointed out, constantly changing – accounts of its justification for its initial decision to bar Professor Patti Adler from teaching the course “Deviance in U.S. Society” in the coming spring semester. Quite a full account of these changing stories can be found, for example, in the December 20th, “AAUP Statement on the University of Colorado’s Treatment of Professor Patricia Adler.” In brief, however, the Administration has offered the following rationales in an attempt to rebut the obviously very serious charge that the actions by Provost Russell Moore and Dean Steven Leigh involved a violation of academic freedom:

- (1) Dean Steven Leigh’s “post-Penn-State environment” justification;
- (2) Dean Leigh’s “Institutional Review Board” justification;
- (3) Provost Russell Moore’s “sexual harassment” accusation;
- (4) Provost’s Moore’s appeal to (a) the fear on the part of one (or more) teaching assistants of (unspecified) “negative consequences” if she (or they) refused to take part in the prostitution skit, and also to (b) complaints by students that the prostitution skit created a hostile or threatening environment in the classroom;
- (5) Dean Leigh’s appeal to the threat of students’ being filmed in the prostitution skit without their consent.

I shall comment on some of these rationales in more detail later on, in a section detailing the apparent, ongoing cover-up attempt that the Administration has been charged with engaging in. But here are some very brief comments.

- (1) The “post-Penn-State environment” justification seems, as many have said on blogs and elsewhere, “ridiculous” and “absurd”. I am inclined to think, however, and as I shall explain below, that Dean Leigh’s reference to a “post-Penn-State environment” is crucial for understanding the *motivation* for the behavior of the Administration.
- (2) The Institutional Review Board is, as the Administration had to admit, very quickly – and somewhat painfully, it seems – of no relevance to teaching: the IRB deals with research.
- (3) There is no basis at all for the suggestion that Professor Patti Adler was guilty of sexual harassment, and, in introducing this consideration, Provost Moore appears very clearly to be guilty of serious defamation of character.
- (4) As we shall see later, a complaint by students that the prostitution skit created a negative classroom environment cannot be the explanation of the Administration’s actions, since

those actions began *before* the skit took place. Moreover, neither that consideration, nor the fear on the part of one or more teaching assistants that there would be some unspecified “negative consequences” of a refusal to take part could, as will be discussed shortly, possibly provide a justification for prohibiting Professor Adler from teaching her “Deviance in U.S. Society” course in spring semester, since any such possible problems could easily be dealt with without any such prohibition.

(5) The concern about students’ being filmed without their consent was not mentioned at all before Dean Leigh’s invocation of this idea at a meeting with the Boulder Faculty Assembly on December 18th, so this would certainly appear to be just another *post hoc* attempt to escape the charge that he and Provost Moore engaged in a violation of academic freedom. In addition, this concern, too, is one that is easily addressed, and that therefore provides no ground at all for prohibiting Patti Adler from teaching her “Deviance in U.S. Society” course in spring semester.

The basic point here, however, is simply this. Leaving aside the defamatory charge of sexual harassment – which, if it were true, might well justify prohibiting Professor Adler from teaching her “Deviance in U.S. Society” course, but only because it justified either firing her, or else suspending her for a period of time from absolutely all teaching – none of the above could possibly justify prohibiting Patti Adler from teaching the course in question. The reason is that all of the above issues could perfectly well have been dealt with without prohibiting Professor Adler from teaching the “Deviance in U.S. Society” course in the coming spring semester. Thus, for example, as regards the possibility that a teaching assistant might feel pressured to take part in the prostitution skit, or the possibility that participants might be filmed without their consent, the members of the Sociology Department Ad Hoc Committee to Review the Course remark,

“If skits are used in the future, it will be appropriate for Professor Adler to document that those involved, whether students in the class, undergraduate teaching assistants (ATAs), or graduate teaching assistants (TAs), give full informed consent to participate, including to the possibility of being filmed, and can opt out of participation at any time without penalty, if, indeed, this is the standard being used throughout the university for in-class participation.”

Finally, neither Provost Moore nor Dean Leigh nor any other member of the Administration has responded to what Patti Adler, according to a December 13th article in the *Daily Camera*, has described as the reason that the Administration is attempting to get her to retire, namely, that “the administration thought her lecture on prostitution was inappropriate, degrading to women and offensive to some minority communities.” Professor Adler’s account, moreover, is confirmed by other reports. In particular, Professor Adler’s account is supported by the combination of the following two items. First, there is an article in *The Chronicle of Higher Education*, entitled “U. of Colorado's Response to a Gritty Lecture Worries Sociologists,” written by Peter Schmidt, and published on December 17th, which refers to a memorandum sent to Patti Adler by Llen Pomeroy, the manager of the Office of Discrimination and Harassment. Peter Schmidt describes the content of that memorandum as follows:

“In a December 10 memorandum to Ms. Adler, Llen Pomeroy, that office's manager, pointed out three aspects of the performance that were later discussed with Ms. Adler as problematic: a student playing the role of a straight male streetwalker repeatedly used the

term ‘faggot’, a student playing a pimp made joking references to how he beats women, and a student portrayed a Latvian ‘slave whore’ in a manner that might have offended students from that nation or other parts of Eastern Europe.”

Second, there is very good reason to believe that the investigators from the Office of Harassment and Discrimination who generated this report were the same ones who took part in a crucial December 5th meeting that is described in the following passage from a December 16th article in the *Daily Camera*:

“On Dec. 5, Adler said she was invited to a meeting that included the two investigators, College of Arts and Sciences Dean Steven Leigh, Associate Dean Ann Carlos and a member of the university's legal team.

”They said this skit was a risk to the university’, Adler said. ‘(The two investigators) scared the administrators so much that the administrators said I have to be taken out of the deviance class and that they offered me a buyout. I could get this two-for-five deal, but I have to take it right now’.”

There appears, in short, to be excellent reason for thinking that the original basis for Dean Leigh’s action was what he was told about the prostitution skit lecture by investigators from the Office of Discrimination and Harassment, and that he was, as Professor Adler says, “scared” into action. But acting on the basis of the complaints that the Office of Discrimination and Harassment had – complaints that are in themselves dubious in the extreme – is censoring a class on the basis of its content, and is therefore a clear violation of academic freedom

To sum up, then, it appears both that none of the many reasons that Provost Moore and Dean Leigh have offered in an attempt to justify the violation of academic freedom involved in their *original decision* to prohibit Professor Adler from teaching the “Deviance in U.S. Society” course in spring semester is satisfactory, and also that the original basis of Dean Leigh’s actions involved censorship of a class on the basis of its content’s being thought offensive, so that his action did involve a violation of academic freedom.

The Administration quickly retreated from its original decision. The announcement of this change, however, rather than being made by either Provost Moore or Dean Leigh, was left to a University ‘spokesperson’, Mark Miller. Here is the description given in a December 17th article in the *Daily Camera*:

”If Professor Adler were to agree to a review of her 'Deviance in U.S. Society' (course) prior to the spring semester by a group of her peers in sociology or perhaps by her sociology colleagues joined by other faculty colleagues from CU-Boulder, and that review resulted in an OK of the course and its materials and techniques, or recommended structural changes acceptable to her, Professor Adler could be back teaching the course in the spring semester’, CU spokesman Mark Miller said late Tuesday afternoon.”

What was the reason for this shift? None was given. A natural thought is that this shift might have been thought of as a way of escaping the charge that the University was violating academic freedom, since, given the change, the Administration would no longer be prohibiting Patti Adler from teaching her “Deviance in U.S. Society” class. But as the American Association of University Professors said in a December 20th statement, there would seem to be “no reason why in the absence of any documented and serious complaints

Prof. Adler's course should be subject to a level of peer supervision and review not mandated for other courses in the sociology department." Requiring such a review specifically in the case of Professor Adler's course, and doing so because of the Office of Discrimination and Harassment's complaints about its content, was, then, simply a somewhat milder violation of academic freedom.

Finally, it is important to note that if, as seems very clear, we do indeed have here a violation of Professor Adler's academic freedom, this has negative effects that extend far beyond Professor Adler and her potential, future students: other faculty who teach courses with sensitive topics may very well fear being exposed to the same treatment as Patti Adler has been exposed to. So, for example, a December 17th article in the Boulder *Daily Camera* refers to the reaction to the situation by a University of Colorado professor of Environmental Studies, Roger Pielke Jr.:

"I am also concerned because next semester I am teaching a course in which issues of gender, sex, discrimination, race and other potentially sensitive topics appear throughout the syllabus' Pielke wrote. 'Will I be at risk of losing my job if university officials don't like how I teach these issues? What if a student is "uncomfortable" because of the material or exercises in the class?'"

Third: Violation of Due Process

It has also been widely suggested that Dean Leigh and Provost Moore were guilty of violation of due process in their treatment of Professor Adler. Thus, for example, the national board of the American Association of University Professors, in its "AAUP Statement on the University of Colorado's Treatment of Professor Patricia Adler," issued on December 20th, says,

"The AAUP does not deny that there are instances in which instructors conduct themselves in the classroom in a manner worthy of disciplinary action. But there must be credible and concrete evidence of such misconduct and any faculty member so charged should be entitled to due process."

Similarly, the CU-Boulder chapter of the AAUP, in its "Statement About the University of Colorado's Treatment of Patricia Adler," in a paragraph charging the Administration of the University of Colorado with violating both academic freedom and due process, says,

"They have shown ignorance of the importance of academic freedom for university teachers in providing a rigorous education for university students. They have disregarded both the University of Colorado's own regulations regarding academic freedom and those of the AAUP, which serve as the standard for the profession. While academic freedom cannot be absolute, the suspension of due process, on the grounds that some students may have felt pressured to volunteer for a classroom exercise, makes a mockery of the principles of academic freedom."

What are the grounds for these charges that University of Colorado administrators, starting with Dean Leigh and the Head of the Sociology Department, Professor Joanne Belknap, have, with the full support of Provost Moore, been guilty of violations of due process? In the first place, it has been argued that, given that the Office of Discrimination and Harassment is the body on campus whose job it is to investigate charges against faculty members, if there were serious complaints against Professor Adler, a formal complaint

should have been filed with that body – something that, as we shall later see, was apparently never done.

Second, although no formal charges were ever filed against Patti Adler, and, consequently, although there was therefore never any finding of any misconduct on her part, it appears that Dean Leigh and Professor Belknap, acting on their own, proceeded to prohibit Patti Adler from teaching her “Deviance in U.S. Society” course in the coming spring semester.

Could it be argued that their action, though it violated due process, was necessary, since immediate action had to be taken? This does not appear to be a satisfactory response. The reason is that the prostitution skit in that course would not have taken place until well into the spring semester, and, as we have seen, all of the supposed concerns that have subsequently been raised are either unsound, or else concerns that could easily be handled.

How have Provost Moore, Dean Leigh, and Professor Belknap responded to the widespread charge of violation of due process? The answer, sadly, appears to be that, as of this time, there has been no response at all. This fact in turn is, it has been suggested, excellent reason for concluding that all three are guilty as charged.

Finally, however, it is not just Provost Moore, Dean Leigh, and Professor Belknap who have been accused of violation of due process, since there is reason for thinking that the Office of Discrimination and Harassment – the very body that is charged with investigating complaints against faculty – is guilty as well. Here is what a December 16th article in the *Daily Camera* describes Patti Adler as saying on the matter:

“Adler said she wasn't sure how this situation could end positively, but added that university administrators should consider changing the way the Office of Discrimination and Harassment works on campus.

”They are witch hunters’, she said. ‘And to be accused, to be investigated, is to be guilty. You're assumed to be guilty with no due process. It's a culture of fear, a culture of political correctness and power of (the Office of Discrimination and Harassment)’.”

Is this a fair criticism of the Office of Discrimination and Harassment? It can be argued that it is. First of all, in that same *Daily Camera* article one also has the following passage:

“Adler said the Office of Discrimination and Harassment had received no complaints and there was no complainant in the investigation. Adler said the investigators told her they waited a few weeks, but no one came forward saying they were offended by the skit. “

Second, an article in *The Chronicle of Higher Education*, entitled “U. of Colorado's Response to a Gritty Lecture Worries Sociologists,” written by Peter Schmidt, and published on December 17th, in discussing a December 10 memorandum to Professor Adler from Llen Pomeroy, who is the manager of the Office of Harassment and Discrimination, contains the following passage:

“The letter from Ms. Pomeroy acknowledged that her office had not formally investigated the performance because no one had formally complained about it, and that ‘this is the first time concerns have been raised to our office about your class or the prostitution skit’.”

In short, though no formal complaints were received by the Office of Harassment

and Discrimination, even after they had waited a few weeks, they were happy to take part in a meeting at which, according to Professor Adler, “(The two investigators) scared the administrators so much that the administrators said I have to be taken out of the deviance class and that they offered me a buyout.” Isn’t this an egregious violation of due process, and by the very office that is charged with investigating complaints against faculty?

Fourth: The Use of Both Intimidation and Inducement to Convince Professor Adler to Resign

As was discussed in detail earlier, the University of Colorado administration has tried – quite unsuccessfully, as I think we have seen – to rebut the charge that members of the Administration have been guilty of violation of academic freedom. Aside from the weaknesses of such attempts, however, there is also the fact that the Administration has tried, both by inducement and intimidation, to get Patti Adler to resign. This fact has led people to ask why the Administration is so keen to get rid of Patti Adler, if it is not because they are unhappy with the content of her “Deviance in U.S. Society course.

What forms have those attempts taken? First of all, as was reported in an article in the Boulder paper, the *Daily Camera*, on December 16th, the University administration offered Patti Adler a payout consisting of two years’ salary, to be paid over five years. But that offer was not an open offer that Professor Adler could think about in a leisurely fashion. Instead, the Administration imposed a very short deadline, and gave her until January 6th, 2014, to accept the payout, after which it would no longer be on the table.

Then, second, there was intimidation to increase the pressure to accept the payout option. Thus, as already noted in connection with the defamation of character charge, there was the following statement made by Provost Moore on December 16th in response to Patti Adler’s statement that she might be fired by the University:

“To reiterate, Professor Adler has not been fired or forced to retire. As to comments she has made that she might be fired in the future, I should note that any employee at the University – including faculty members – found responsible for violating the University’s sexual harassment policy, is subject to discipline up to and including termination.”

So while Professor Adler is contemplating the possibility of the payout retirement option, which would no longer be available after the January 6th deadline, Provost Moore raises the possibility of Professor Adler’s being fired, thereby emphasizing the risk associated with her declining the offer.

But Patti Adler has claimed that she was subjected to even worse intimidation, for according to a December 16th article in the Boulder *Daily Camera*, if she declined the payout option, and went with the second option – that of remaining on at the University – she would be exposing herself to a very great risk indeed, since she had been told that if the administration received even one complaint about her, she would be fired immediately.

This is really quite an extraordinary threat. Complaints come in various forms and degrees, and very few are such that, even if correct, they are sufficiently serious to justify firing a tenured faculty member. Moreover, *immediately* firing a professor would involve a gross violation of due process.

Some may very well find it hard to believe that the Administration would make such a threat. Perhaps Patti Adler, in a very stressful situation, misunderstood what had been said? The fact, however, is that the Administration has not issued any denial of Professor Adler's very damaging claim.

The upshot is that, although the Administration has denied that it was "forcing" Patti Adler to retire, very great pressure indeed was applied – happily unsuccessfully – to achieve precisely that end.

Fifth: The Ongoing Attempts to Cover-Up What Was Done

Another very serious charge that has been made against the Administration, including Provost Moore and Dean Leigh, is that there has been an ongoing attempt to cover up what has been done,

Perhaps the place to begin is with the definition of the term 'cover-up'. Typical definitions to be found online include:

(1) "An effort or strategy of concealment, especially a planned effort to prevent something potentially scandalous from becoming public." (www.thefreedictionary.com/cover-up);

(2) "a planned effort to hide a dishonest, immoral, or illegal act or situation; an action or a way of behaving that is meant to prevent people from knowing about something." (<http://www.merriam-webster.com/dictionary/cover-up>)

(3) "A cover-up is an attempt, whether successful or not, to conceal evidence of wrongdoing, error, incompetence or other embarrassing information. In a passive cover-up information is simply not provided; in an active cover-up deception is used." (<http://en.wikipedia.org/wiki/Cover-up>).

The Wikipedia article just referred to also expresses the view, "When a scandal breaks, the discovery of an attempt to cover up is often regarded as even more reprehensible than the original deeds."

Has there been a cover-up in this case, and, if so, has it been purely passive, or has it been active as well?

A way of approaching these questions is to ask whether the Administration has addressed crucial issues in a clear, complete, and forthright fashion, so that one has a good idea of what actually was done. How, for example, did it all start?

The answer to that question that was advanced by Provost Russell Moore in his email letter to all faculty, staff, and students is as follows:

"In this case, University administrators heard from a number of concerned students about Professor Adler's 'prostitution' skit, the way it was presented, and the environment it created for both students in the class and for teaching assistants. Student assistants made it clear to administrators that they felt there would be negative consequences for anyone who refused to participate in the skit."

Provost Moore's account is thus that the case started when some students advanced two types of complaints about the prostitution skit in Patti Adler's class "Deviance in U.S. Society," namely (1) the feeling by at least one teaching assistant that teaching assistants would suffer "negative consequences" if they refused to take part in the skit, and (2) a

complaint by one or more students that the skit created an environment that was unsatisfactory.

Notice, first of all, the lack of information about these two concerns. What, for example, were the negative consequences, and what ground did the teaching assistant (or assistants) in question have for thinking that there would be such negative consequences? And in what way did the skit create a negative environment? Did the skit merely suggest a view about prostitution with which some students disagreed, and therefore found “offensive,” or was there something more?

Information of this sort is crucial. If the teaching assistant in question had no ground for thinking that there would be some unspecified (!) negative consequence, or if the negative consequence would merely involve a negative reaction on the part of his or her peers, rather than anything that Professor Adler would do, then there was surely no ground for concern here. Similarly, if what some students objected to were the ideas that were put forward, to take that as a ground for concern and therefore for subsequent action would be to engage in a clear violation of academic freedom.

The next point is that the affair cannot have started with a complaint that the prostitution skit had created a negative environment in the classroom. How does one know this? The reason is that the affair must have begun *before* the prostitution skit took place, since Professor Adler has said that people from the Office of Discrimination and Harassment, whose duty it is to investigate complaints against faculty, were present at the prostitution skit, taking copious notes. But perhaps Professor Adler is mistaken about this? After all, neither Provost Moore nor Dean Leigh has mentioned any such occurrence.

This, again, appears to be a clear instance of deliberate withholding of crucial information. Here the key document is once again the aforementioned article in *The Chronicle of Higher Education*, entitled “U. of Colorado's Response to a Gritty Lecture Worries Sociologists,” written by Peter Schmidt, and published on December 17, 2013. The relevant passage is as follows:

“A Monitored Performance

“The skit was performed this fall largely as it had been in past semesters, but the audience was slightly different in that it included representatives of the university's Office of Discrimination and Harassment.

“In a December 10 memorandum to Ms. Adler, Llen Pomeroy, that office's manager, pointed out three aspects of the performance that were later discussed with Ms. Adler as problematic: a student playing the role of a straight male streetwalker repeatedly used the term ‘faggot’, a student playing a pimp made joking references to how he beats women, and a student portrayed a Latvian ‘slave whore’ in a manner that might have offended students from that nation or other parts of Eastern Europe.”

So the manager of Office of Discrimination and Harassment has herself said that there were members of that office that monitored the skit in question, and took notes, as Professor Adler claimed. Did they ask Professor's Adler's permission to be present? After all, presumably University of Colorado classes are not open to the general public. There is no answer to that question in the *Chronicle* article, but it appears that they did not ask permission. If so, I would think it is very disturbing indeed if the University of Colorado's

Office of Discrimination and Harassment has the right – or thinks that it does – to attend a class being given by a member of faculty without that person’s permission. Either way, both Provost Moore and Dean Leigh need to bring these facts out into the open: most faculty members at any university, would, I think, judge such powers to be outrageous, and I think it would be surprising if faculty at the University of Colorado did not do so.

Might Provost Moore and Dean Leigh perhaps respond that there was nothing problematic about the behavior of the Office of Discrimination and Harassment, since they were investigating a case? Such a claim does not strike me as very plausible. But one can waive that point, and simply consider the following description, from the *Chronicle* article, of the actual situation:

“The letter from Ms. Pomeroy acknowledged that her office had not formally investigated the performance because no one had formally complained about it, and that ‘this is the first time concerns have been raised to our office about your class or the prostitution skit’.”

So we have, in short, a situation in which the University’s Office of Discrimination and Harassment believes that it has the right to carry out investigations – although not of course “formal” ones – even when no “formal complaint” has been lodged. Surely this behavior is reckless in the extreme, and yet neither Provost Moore nor Dean Leigh has said anything about it – which suggests that it must have their full approval.

The memorandum from Llen Pomeroy shows, in short, that, contrary to what Provost Moore said, the case cannot have begun with a complaint, be it “formal” or otherwise, that the prostitution skit had created a negative environment in the classroom. But notice also that what the Office of Discrimination and Harassment focused upon was the content of the skit: they noted “three aspects of the performance that were later discussed with Ms. Adler as problematic: a student playing the role of a straight male streetwalker repeatedly used the term ‘faggot’, a student playing a pimp made joking references to how he beats women, and a student portrayed a Latvian ‘slave whore’ in a manner that might have offended students from that nation or other parts of Eastern Europe.” But none of this is relevant to the other concern to which Provost Moore referred, to the effect that at last one teaching assistant felt that he or she would suffer “negative consequences” if he or she did not take part.

Finally, what is one to make of the things that the Office of Discrimination and Harassment found to be matters of concern that they drew to Professor Adler’s attention? They were concerned, for example, about the use of the term “faggot”. But if one were teaching a class on slavery and had a skit in which the slave owners referred to their slaves as “niggers,” would that be something that the Office of Discrimination and Harassment would view as problematic? Or suppose that one were teaching a course on social problems, and one were discussing the view put forward by Larry Elder in chapter 5 of his book *The Ten Things You Can’t Say in America* (New York: St. Martin’s Press, 2000), to the effect that America’s greatest problem is illegitimacy, and that one provided figures indicating that the illegitimacy rate is much higher for Hispanics and African-Americans than it is for Asian Americans. Would the Office of Discrimination and Harassment feel the need to conduct an investigation – although merely an informal one, of course – and warn one that one was creating a hostile environment in the classroom for some students?

In short, what happened in the case of Professor Adler would appear to raise

enormous red flags with regard to violation of academic freedom. But while both Provost Moore and Dean Leigh are aware of what the Office of Discrimination and Harassment has done in this case, they pass over it in silence.

How, then, did the Professor Adler affair begin, if not with any “formal” complaints? Provost Moore has said, “University administrators heard from a number of concerned students about Professor Adler’s ‘prostitution’ skit, . . .” But he refrained from saying *exactly who* the administrators in question were. Did students approach Provost Moore? That seems most unlikely. Did they approach Dean Leigh? Perhaps, but that also seems rather unlikely. Who, then, was the administrator in question? The likely answer would seem to be Professor Joanne Belknap, since she is Head of the Sociology Department, and being head of a department is an administrative position. So it seems likely, then, that the student complaints were lodged with Professor Belknap. Moreover, Patti Adler has clearly said, according to a *Daily Camera* article of December 16th, “it was Belknap who went to the Office of Discrimination and Harassment about the prostitution lecture earlier this fall.” (Professor Belknap is described as not having responded to a request for comment.)

Let us assume, for the sake of discussion, that it was Professor Belknap. What happened at that point? Apparently she did not make any “formal” complaint to the Office of Discrimination and Harassment. Why not? Presumably because there was nothing that warranted any “formal investigation” by the Office of Discrimination and Harassment. But it then seems that it must be possible to lodge some sort of “informal complaint,” and that that resulted in the Office of Discrimination and Harassment’s springing into action, and monitoring Professor Adler’s class.

Next, Dean Leigh must have gotten involved, since Provost Moore tells us, “The Dean of the College of Arts & Sciences and the Chair of the Sociology Department determined that Professor Adler would not teach the class in the spring semester (2014).” Neither Provost Moore nor Dean Leigh, however, has anything to say about why the Dean thought it appropriate to act, let alone to prohibit Patti Adler from teaching her course “Deviance in U.S. Society” in the spring semester. After all, given that some sort of ‘informal’ complaint had been lodged with the Office of Discrimination and Harassment, which they were ‘informally’ investigating, shouldn’t one have waited to see what the result of that investigation was, and what their conclusions and recommendations were? Indeed, isn’t the decision by Dean Leigh and Professor Belknap to act immediately a clear case of violating due process? For complaints against Professor Adler were being investigated by the Office of Discrimination and Harassment, and Dean Leigh and Professor Belknap, rather than waiting for the outcome of that investigation, act on the assumption not only that Professor Adler will be judged guilty, but also that the complaints in question will provide good grounds for not permitting Professor Adler to teach her course “Deviance in U.S. Society” in the spring semester. This course of action is surely unacceptable. Yet neither Provost Moore nor Dean Leigh has done anything to explain, let alone justify, that course of action. Nor has Professor Belknap said anything about this. Indeed, in her case, she has, according to articles both in the Boulder *Daily Camera* and in *The Chronicle of Higher Education*, remained completely inaccessible, and has apparently refused to respond to any inquiries about the case. So she, too, appears to be playing a significant part in the ongoing cover-up attempt.

Another relevant, and often unnoticed aspect of the case is that it appears that

Professor Belknap disagrees very strongly with some of Professor Adler's views. Again, Peter Schmidt's excellent article in *The Chronicle of Higher Education* provides crucial information:

"Ms. Adler has also accused the sociology department's chairwoman, Joanne Belknap, of having opposed the skit as trivializing the lives of sex workers and violence against women, and having directly said to Ms. Adler that she welcomes the opportunity to push her out."

The thing that it is important to realize here is that there are immense disagreements between academics, and perhaps most especially feminist academics, concerning prostitution. On the one hand, there is the view that prostitution is a profession that exploits and degrades women, and that needs to be opposed in the very strongest terms. On the other hand, there is the view that prostitution is, in itself, a perfectly legitimate occupation, and that the problems that are typically associated with life as a prostitute are almost entirely due to the combination of its being illegal, together with unsound views about the morality of selling sexual services. I do not know what the views of either Patti Adler or Professor Belknap are on prostitution, but it seems not unlikely that they disagree strongly, and since this is a highly emotional issue, it means that it is not implausible that Professor Belknap would very much like to push Patti Adler out of the Sociology Department, as Professor Adler has claimed.

If this is right, it was surely a serious mistake for Dean Leigh to cooperate with Professor Belknap in a decision to prohibit Patti Adler from teaching her course "Deviance in U.S. Society" in the spring semester. The main point here, however, is once again that Provost Moore, Dean Leigh, and Professor Belknap need to provide information about this matter, which they have not done.

But here, moreover, it is not just a matter of a "passive" cover-up, since Peter Schmidt, in the paragraph immediately following the one quoted above, in which Patti Adler describes Professor Belknap's reasons for opposing the skit – namely, that she believes that it trivializes the lives of sex workers and violence against women, says,

"Ms. Belknap did not respond on Monday to requests for comment, and the university has directed all administrators involved in the controversy to route calls to its public-relations office."

So someone in the University – and surely a high-ranking administrator, such as Provost Moore, or Dean Leigh, rather than an underling – has taken steps to screen off attempts to talk to those directly involved, such as Professor Belknap. One has, then, a cover-up that, to use the Wikipedia terms, is active, and not merely passive.

Why did Dean Leigh get involved, and why did he engage in such a clearly unjustified action as prohibiting Patti Adler from teaching her course "Deviance in U.S. Society" in the spring semester? Moreover, why did he do so before an ongoing 'informal' investigation by the Office of Discrimination and Harassment was complete? The answer lies, I suggest, in Dean Leigh's view that Professor Adler's course was too great a risk in what he referred to as a "post-Penn-State environment."

Now the usual and immediate reaction to this is that Dean Leigh's comparison is, as one student quoted in the *Daily Camera* said, "ridiculous." The American Association of University Professors, in turn, in its statement of December 20th, remarked in a similar vein,

“Originally, Dean Steven Leigh claimed that there was ‘too much risk’ in having such a lecture in the ‘post-Penn State environment,’ alluding to the Jerry Sandusky scandal. How volunteer students acting out roles in a classroom exercise is equivalent to the forcible violation of underage boys by a retired coach in a locker room remained unclear.”

How, then, could Dean Leigh base his action upon such a comparison? The answer, I think, is that what he had in mind with regard to the Penn State affair was not the sexual abuse of young boys, but, instead, what happened to the university officials who covered up that abuse: the result of that cover-up was that the ex-athletic director, Tim Curley, the former vice president, Gary Schultz, and the former president, Graham Spanier, all face very serious criminal charges. So what motivated Dean Leigh, I suggest – and, presumably, Provost Moore as well – was the fear that if they failed to act quickly and very vigorously to deal with any occurrence at the University of Colorado that some, however unreasonably, might think was problematic, they might very well wind up facing serious criminal charges themselves.

A friend who has contacts at the University of Colorado thinks that Dean Leigh is now rather embarrassed by his reference to a “post-Penn-State environment,” since there is apparently a rumor that Dean Leigh initially denied that he had used this phrase when he was first asked about this at a meeting of the University of Colorado’s Boulder Faculty Assembly. But I have not been able to confirm this story via any Internet searches, so I cannot be completely confident that it’s true.

The problem, in any case, is not in the use of the phrase, but in the cast of mind that lies behind it. In the persons of Dean Leigh and Provost Moore the University of Colorado appears to have two men who are in the grip of a wildly irrational fear, and given their behavior in the Patti Adler affair, other members of the University of Colorado faculty have a right to be seriously concerned about what other equally unjustified actions Dean Leigh and Provost Moore may engage in next if they are allowed to escape very strong sanctions for their egregious behavior in the present case.

Another part of the ongoing cover-up operation involves the contention by Provost Moore and Dean Leigh, as described in a December 18th article in the *Daily Camera*, that their actions involved a response to long-standing concerns:

“University of Colorado officials told faculty members in a closed-door meeting Wednesday that there have been long-term concerns about tenured sociology professor Patti Adler’s course ‘Deviance in U.S. Society.’

“‘What we know based on our discussion with sociology is that there have been concerns expressed over the years, and unfortunately these concerns have not been dealt with in an effective manner’, said Steven Leigh, dean of the College of Arts and Sciences, according to an audio recording of the meeting provided to the *Daily Camera*.”

As with the concern about the filming of students without their consent – mentioned in the same *Daily Camera* article – this rationale appeared only very belatedly, not having been mentioned at all at any earlier point. But what were those concerns, and to whom were they expressed? Again, we are not told. But what we do know is that they were not concerns of a sort that were reported to the Office of Discrimination and Harassment, since in an article in *The Chronicle of Higher Education*, written by Peter Schmidt, there is the

following a passage, which I quoted earlier, concerning a memorandum from Llen Pomeroy, the manager of the Office of Discrimination and Harassment, to Professor Adler:

“The letter from Ms. Pomeroy acknowledged that her office had not formally investigated the performance because no one had formally complained about it, and that ‘this is the first time concerns have been raised to our office about your class or the prostitution skit’.”

So there were *no earlier concerns*, it seems, that had been passed along to the Office of Discrimination and Harassment.

Were the long-standing concerns that Provost Moore and Dean Leigh refer to, then, ones that had been drawn to the attention of previous Heads of the Department of Sociology, but where, in Dean Leigh’s words, those concerns had “not been dealt with in an effective manner”? If so, what is one to make of the following statement made in the “Report by the Sociology Department Ad Hoc Committee to Review the Course”?

“We asked the three previous department chairs, Professors Joyce Nielsen, Richard Rogers, and Michael Radelet, who served Fall, 2004 – Spring, 2013, whether they had received formal complaints about content or teaching style of Professor Adler’s courses. No formal complaints were received.”

Who, then, is the source of the long-standing concerns that Provost Moore and Dean Leigh refer to, concerning Patti Adler’s “Deviance in U.S. Society” course – concerns that, unfortunately, were “not dealt with effectively”? Provost Moore and Dean Leigh are silent on that matter, so that once again one has behavior of a sort that is typically present in cover-up attempts – though in this case the claims involved are ones that potentially defame the character or the competence of previous Heads of the Department of Sociology.

Finally, the cover-up operation continued on after Professor Adler announced her decision, on January 9th, 2014, to remain on at the University of Colorado. This, of course, is not surprising, as one would expect the attempted cover-up to continue as long as the possibility of either legal action, or censure and dismissal by the University, remain on the table.

As before, neither Provost Moore nor Dean Leigh ran the risk of making any statements themselves, choosing once again to employ a mouthpiece, namely, University of Colorado ‘spokesperson’ Bronson Hilliard, who after saying, “the university will not be apologizing to Adler,” claimed that Provost Moore’s statement connecting the possibility of Professor Adler’s being fired at some future point with what can happen if one violates, in Provost Moore’s own words, “the University’s sexual harassment policy,” was, as Hilliard puts it, simply a statement that was “designed to articulate” what Provost Moore “felt the issues were in this particular case.”

What would a person who was not attempting to cover up do in this situation? First of all, he would speak for himself, and he would be happy to be subjected to vigorous questioning about the matter. He might then attempt to say why he did not think that he was defaming Professor Adler’s character by referring both to her worry that she might be fired at some future point and to the University’s sexual harassment policy in the same paragraph – not an easy response to defend – or he might say that he was guilty of a misunderstanding of the University’s sexual harassment policy in his letter, and go on both to apologize to Professor Adler, and to issue a public statement pointing out his error. Provost Moore has

done none of these things, and it appears that he has, instead, simply attempted to remain out of sight, saying absolutely nothing, and apparently hoping that it will all blow over.

I have perhaps gone on at excessive length concerning this final charge. My reason for doing so, however, is that the question of whether there has been an ongoing cover-up is a very important one, and I wanted to bring out the considerations that can be offered in support of this fifth, and very serious charge that has been advanced against the University of Colorado administration, including Provost Moore and Dean Leigh.

This concludes what one might call the case for the prosecution. For reasons mentioned earlier, I have not attempted to survey the case for the defense. But, again, I think that what I have done should be helpful to those who believe that Provost Moore and Dean Leigh are innocent of all wrongdoing, since the above discussion should hopefully make clear what issues the defense needs to address if the claim of innocence is to be sustained.

Appendices

Table of Contents

Appendix 1: An Article in *The Chronicle of Higher Education*

“U of Colorado’s Response to a Gritty Lecture Worries Sociologists,” by Peter Schmidt, *The Chronicle of Higher Education* (December 17, 2013)

Appendix 2: Articles from *Inside Higher Education*

1. “CU-Boulder students: Tenured professor Patti Adler being forced out because of prostitution lecture” (December 13, 2013)
2. “CU-Boulder pulls Patti Adler from 'Deviance' class, but denies forced retirement” (December 16, 2013)

Appendix 3: A Commentary on the Second *Inside Higher Education* Article: The IRB Issue

1. “CU-Boulder students: Tenured professor Patti Adler being forced out because of prostitution lecture” (December 13, 2013)

Appendix 4: Articles in the *Boulder Daily Camera*

4-1: Articles by Sarah Kuta

1. “CU-Boulder students: Tenured professor Patti Adler being forced out because of prostitution lecture” (December 13, 2013)
2. “CU-Boulder pulls Patti Adler from 'Deviance' class, but denies forced retirement” (December 16, 2013)
3. “CU-Boulder: Patti Adler could teach deviance course again if it passes review” (December 17, 2013)
4. “CU-Boulder officials: Patti Adler's deviance course has prompted long-term concern“ (December 18, 2013)
5. “Faculty group 'condemns' CU-Boulder over treatment of Patti Adler” (December 18, 2013)

6. “Patti Adler 'welcome to teach' controversial course again, CU-Boulder” (December 30, 2013)

7. “Patti Adler returning to teach at CU-Boulder, 'Deviance' course survives” (January 9, 2014)

4-2: An Article by Amy Bounds

1. CU-Boulder faculty group asks for retraction of statement on Patti Adler (December 29, 2013)

Appendix 5: Statement from Patti Adler on her return to the University of Colorado

Appendix 6: Statements Issued by the American Association of University Professors

1. Statement by the Colorado Conference of the American Association of University Professors (December 18, 2013)

2. Statement by the National Board of the American Association of University Professors (December 20, 2013)

3. Statement by the University of Colorado at Boulder Chapter of the American Association of University Professors (December 29, 2013)

Appendix 7: American Civil Liberties Union and National Coalition Against Censorship Joint Statement

Appendix 8: Statements by Members of the University of Colorado Administration

1. Statement by Provost Russell Moore

2. Statement by Chancellor Philip DiStefano

3. Statements by University of Colorado Spokespersons Mark Miller and Bronson Hilliard

Appendix 9: Report by the Sociology Department Ad Hoc Committee to Review the Course

Appendix 10: The University of Colorado document concerning sexual harassment – “Sexual Harassment Policy and Procedures,” Administrative Policy Statement Number 5014.

Appendix 1

THE CHRONICLE OF HIGHER EDUCATION

Faculty

December 17, 2013

U. of Colorado's Response to a Gritty Lecture Worries Sociologists

By Peter Schmidt

The University of Colorado at Boulder has denied pressuring a tenured sociology professor to retire over student complaints about a classroom skit on prostitution, but it has also made

clear that she faces disciplinary action if her efforts to discuss the harsh realities of sex work again arouse fears she has created a hostile environment for students.

Russell L. Moore, the university's provost, said in a statement issued on Monday that the professor, Patricia A. Adler, "is not being forced to retire."

He added, however, that the university has disciplined Ms. Adler, by not letting her teach the course at issue again in the spring, in response to unidentified students' concerns that they had felt pressured to take part in, or were offended by, the skit, which depicted various characters involved with prostitution.

Academic freedom, Mr. Moore said, "does not allow faculty members to violate the university's sexual-harassment policy."

The controversy over the skit, as well as the university's response to it, has triggered widespread concern among sociologists who protest that the university appears focused too much on its legal risks and not enough on academic considerations. Many ask if it is possible to honestly teach about subjects like prostitution without potentially offending some students' sensibilities.

"Discussing controversial subjects is our responsibility. To shy away from doing that just because they are controversial would be doing a disservice to our students," said Jody Clay-Warner, a professor of sociology at the University of Georgia. Ms. Clay-Warner said that she lacked any direct knowledge of the skit staged by Ms. Adler but that "the idea of using a skit in a large classroom is certainly not unusual."

Sally T. Hillsman, executive officer of the American Sociological Association, said in a written statement that her group's leadership was "extremely concerned about this matter and is in the process of getting more details to determine what actions might be appropriate."

A 'Culture of Fear'

For her part, Ms. Adler said on Monday that she had not decided if she should accept the university administration's offer of an early-retirement buyout, of two years' salary, or stay and remain exposed to additional charges of misconduct, especially if she defends her teaching methods.

She denied having pressured anyone to take part in the skit or ever having heard students complain about it, and she characterized herself as the victim of overreach by the university's human-resources office.

"There are bigger issues here," Ms. Adler said. A key one, she said, is that the university administration had disciplined her in the absence of any formal investigation or formal sexual-harassment complaint. "Universities," she said, "have become hostage to the culture of fear—fear of lawsuit, fear of accusation, fear of doing too much or too little."

Ms. Adler, who is 62, said she actually had requested, and was denied, an early-retirement buyout this fall, before the controversy over the skit erupted, but now she is tempted to reject the university's new offer to take a stand against how it has treated her. More than 2,000 Colorado students, alumni, and other supporters have signed an online petition urging the university to keep her on.

The Colorado professor, a prominent scholar of deviant subcultures, staged the skit that drew the administration's scrutiny on November 5 as part of her "Deviance in U.S. Society" course. She has offered the course, and featured the skit as part of it, each semester for about 20 years. The course consistently ranks as among the most popular at Boulder, enrolling about 500 students.

The skit depicts figures involved in the sex industry, with the performers—mainly current and former undergraduate teaching assistants—dressing for their respective roles and using raw language to describe their lives. Among the characters are a pimp, a madam, and various types of prostitutes in a status hierarchy that has at the top escort-service workers and descends through "brothel whores," "bar whores," streetwalkers, "crack whores," and "slave whores."

A Monitored Performance

The skit was performed this fall largely as it had been in past semesters, but the audience was slightly different in that it included representatives of the university's Office of Discrimination and Harassment.

In a December 10 memorandum to Ms. Adler, Llen Pomeroy, that office's manager, pointed out three aspects of the performance that were later discussed with Ms. Adler as problematic: a student playing the role of a straight male streetwalker repeatedly used the term "faggot," a student playing a pimp made joking references to how he beats women, and a student portrayed a Latvian "slave whore" in a manner that might have offended students from that nation or other parts of Eastern Europe.

The letter from Ms. Pomeroy acknowledged that her office had not formally investigated the performance because no one had formally complained about it, and that "this is the first time concerns have been raised to our office about your class or the prostitution skit."

Ms. Adler has blamed the controversy surrounding the latest performance of the skit on a single teaching assistant whom she did not identify, but whom she accuses of trying to round up other teaching assistants to informally complain.

Ms. Adler has also accused the sociology department's chairwoman, Joanne Belknap, of having opposed the skit as trivializing the lives of sex workers and violence against women, and having directly said to Ms. Adler that she welcomes the opportunity to push her out.

Ms. Belknap did not respond on Monday to requests for comment, and the university has directed all administrators involved in the controversy to route calls to its public-relations office.

The statement issued by Provost Moore said student teaching assistants who wished not to be publicly identified had "made it clear to administrators that they felt there would be negative consequences for anyone who refused to participate in the skit."

Ms. Adler responded on Monday by saying that participation in the skit "was, and always has been, voluntary," and that her student teaching assistants generally clamor to take part in it and come back to perform, year after year. "The last thing I would want to do is to make my own people feel uncomfortable," she said.

Mark K. Miller, a university spokesman, initially responded to questions raised by Ms. Adler's treatment by suggesting that it might have been best for her to run her skit plans by

an institutional review board.

He clarified on Monday that Steven R. Leigh, dean of the university's College of Arts and Sciences, had raised the question of whether it might be appropriate for a review board to pass judgment on such an activity, but the university recognizes that such boards are established to oversee human-subjects research, not teaching.

<https://chronicle.com/article/U-of-Colorados-Response-to-a/143653/>

Appendix 2

Articles from *Inside Higher Education*

1. Submitted by Scott Jaschik on December 16, 2013 - 3:00am

Too Risky for Boulder?

Tenured professor at Boulder says she is being forced out over lecture on prostitution

Patricia Adler stunned her students in a popular course on deviance Thursday by announcing that she would be leaving her tenured position teaching sociology at the University of Colorado at Boulder.

Adler said that officials told her that one of the highlights of the course -- popular year after year -- had to go. That is an annual lecture on prostitution (a topic covered in deviance courses nationwide). Her news stunned students, who are mobilizing on social media to make sure she can stay on. And because the course typically enrolls 500 students, many students and alumni are expressing outrage.

"Patti Adler's deviance class was the best class I have ever taken. In particular, the interactive prostitution lecture was the most memorable and informative lecture I have ever experienced. It was in no way offensive.... It was real," wrote one student on [an online petition](#) [1] demanding that Boulder keep her, without barring her from teaching the deviance course.

On [a Facebook page of students organizing a rally to condemn what is happening to Adler](#), [2] another student wrote: "Patti has been one of the most influential people in my life. Not only has she taught me about how to view society, but she has helped me realize what really happens in this world. The prostitution skit was a learning experience, and the university needs to open their eyes if they have such a problem with what happens in the real world. Patti's passion for deviance and every other subject deserves to be preserved, and she is what a fantastic professor SHOULD look like. Let's make the administration feel like they made the biggest mistake they could."

After Adler broke the news to her class, many students were in tears, and they gave her a standing ovation, followed by many hugs.

A university spokesman said Sunday night that Adler was still a tenured professor (although she said that the buyout agreement has not been signed or taken effect yet, so that is true but does not reflect her situation).

In an interview on Sunday with *Inside Higher Ed*, Adler described the prostitution lecture and why she announced plans to leave Boulder -- even though she stressed that she loves teaching there.

Adler said that the lecture in question has been part of her course for years, without incident. "It's the highlight of the semester in my signature course," she said.

She uses prostitution, she said, to illustrate that status stratification occurs in various groups considered deviant by society. She seeks volunteers from among assistant teaching assistants (who are undergraduates) to dress up as various kinds of prostitutes -- she named as categories "slave whores, crack whores, bar whores, streetwalkers, brothel workers and escort services." They work with Adler on scripts in which they describe their lives as these types of prostitutes.

During the lecture, Adler talks with them (with the assistant teaching assistants in character) about such issues as their backgrounds, "how they got into the business," how much they charge, the services they perform, and the risks they face of violence, arrest and AIDS. The class is a mix of lecture and discussion, just like most classes, she said.

Students in the course learn from this session about the many types of prostitutes and how different they are -- even within the broad category of prostitution, Adler said.

Adler said that she was told by Steven Leigh, dean of the College of Arts and Sciences, that a former teaching assistant had raised a concern that some participants might be uncomfortable, but that none had in fact complained. Adler said that participation was entirely voluntary and not part of anyone's grade.

She said that Leigh told her that there was "too much risk" in having such a lecture in the "post-Penn State environment," alluding to the Jerry Sandusky scandal. Adler said that she was given the choice of accepting a buyout now, or staying but not teaching the course, and not giving the prostitution lecture, and to be aware that she could be fired and lose her retirement benefits if anyone complained about her teaching in the future.

The ultimatum stunned her, Adler said. She said it was a violation of her academic freedom to be told that she couldn't teach the lecture or the course. But she said she feared the impact of losing her retirement benefits if she stayed and got fired later. "This is health insurance my family depends on," she said.

Adler said that the incident showed that if a lecture makes anyone uncomfortable, the university will ignore common sense and worry more about "the risk" someone might be offended than whether this is information professors have a right to teach, and students have a right to learn.

"It's a culture of fear. It's the bureaucratization of the university," she said.

Caitlin McCluskey, who was one of the assistant teaching assistants who participated in the prostitution lecture, praised the exercise. She played the part of an "upper class bar whore," and said via email that she was interviewed in front of the class for about three minutes. She said that the participatory nature of the class reflects the way Adler approaches teaching.

"I think the lecture was very valuable because it brought the material to life," McCluskey said. "Unlike many professors who teach large lectures, Patti always tried to engage students in a one-on-one manner. It was not unusual for her to walk up and down the steps of the lecture hall to ask students questions about the material and discussions occurred in nearly every class. She also didn't post her lecture slides, which forced students to come to class and be active participants."

IRB Approval Required?

Mark J. Miller, a spokesman for the university, said via email Sunday night that the university was limited in what it could say because a personnel matter is involved. But asked whether there were concerns about the prostitution lecture and whether they were expressed to Adler, Miller said: "Yes. CU-Boulder does not discourage teaching controversial topics but there has to be a legitimate educational basis for what is being taught in the classroom. In all cases involving people in research or teaching, whether controversial or not, we want to insist on best practices to ensure full regulatory compliance. In some cases, this could involve review from our Institutional Review Board, which is responsible for regulatory compliance involving human subjects."

Adler responded that IRBs are for research, not teaching. She noted that professors involve students in class exercises all the time without IRB approval, and that these students in her course were not talking about themselves, but playing a part. She also noted that she has given the lecture twice a year for more than 20 years, and that it is a well-known lecture on campus, and that there has never been a request that she go to the IRB to discuss the class. (The university's [IRB website](#) [3] describes its mission as oversight of "human subject research.")

Asked about IRBs being for research, not teaching, Miller said, "Students did participate in the lecture. All we are saying is that it is a best practice to go to the IRB."

Miller stressed that no one is forced to retire at Colorado and that any actions against a tenured professor would involve various faculty committees.

Asked about the "post-Penn State" comment that Adler reported being told, Miller said that "all education institutions, including CU-Boulder, have to ensure that no student or employee feels subject to discrimination or harassment."

Source URL: <http://www.insidehighered.com/news/2013/12/16/tenured-professor-boulder-says-she-being-forced-out-over-lecture-prostitution?width=775&height=500&iframe=true>

Links:

[1] <https://sociology.colorado.edu/people/adler-patricia>

[2] https://www.facebook.com/events/639036252825477/?ref_newsfeed_story_type=regular

[3] <http://www.colorado.edu/vcr/irb/about-us>

2. Submitted by Scott Jaschik on December 17, 2013 - 3:00am

Colorado Now Says IRB Review Not Needed for Classroom

December 17, 2013

The University of Colorado at Boulder on Monday issued new statements on the case of Patti Adler, a popular sociology professor whose students and former students are furious over what they view as an attempt to pressure her to leave her job. While the university insists that it never threatened her job, it acknowledges raising concerns about a lecture on prostitution in her course on deviance, and questioning whether she could continue to teach the course. For one lecture in the class, she seeks volunteers among her assistant teaching

assistants and they dress up as various types of prostitutes and describe the experiences of these individuals.

On Sunday, asked about concerns over Adler, a university spokesman said that "best practice" would have been for Adler to have had her class plans reviewed by the university's Institutional Review Board. That answer concerned many on campus and elsewhere, because IRBs focus entirely on research, not on classroom exercises. On Monday, Provost Russell L. Moore sent an email to faculty in which he said: "Many of you are raising concerns about comments by our campus spokesperson Mark Miller published today in *Inside Higher Ed*.... I want to make it clear to you that this was a question raised by CU Arts & Sciences Dean Steve Leigh – whether or not the use of student TAs as actors in a skit presented in a class should be accorded a review by the IRB. I want to make clear that this was not a declaration of a policy, or an expansion of IRB's role. Inherent in Dean Leigh's question from the beginning was whether or not some consent form, comparable to what might be required by IRB, would be appropriate. Our campus policies reveal that this is not an area in which IRB would become involved, as it only deals with human subjects used in the research process, not material used for teaching."

Also on Monday, Moore sent another email to the campus in which he offered a rationale other than the IRB issue for raising concerns about Adler's prostitution lecture. "A number of you have raised concerns about academic freedom and how it may connect to this situation. Academic freedom protects faculty who teach controversial and uncomfortable/unpopular subjects. However, academic freedom does not allow faculty members to violate the university's sexual harassment policy by creating a hostile environment for their teaching assistants, or for their students attending the class," Moore wrote. "In this case, university administrators heard from a number of concerned students about Professor Adler's 'prostitution' skit, the way it was presented, and the environment it created for both students in the class and for teaching assistants. Student assistants made it clear to administrators that they felt there would be negative consequences for anyone who refused to participate in the skit. None of them wished to be publicly identified."

Adler said on Monday that this was the first she was hearing of these accusations, and that they had not been presented to her before. She has said (and numerous students in her class, including some who have been participants in the skit) that participation was voluntary and led to valuable discussions.

<http://www.insidehighered.com/quicktakes/2013/12/17/colorado-now-says-irb-review-not-needed-classroom-skits#ixzz2pMmXSCm5>

Appendix 3

A Commentary on the Second of the *Inside Higher Education* Articles

A (Budding) Sociologist's Commonplace Book

What's the IRB Got to Do With Teaching?

Inside Higher Ed has [a new story with a few more details](#) about the tenured Colorado University sociology professor who was forced to resign over concerns about a lecture/skit on prostitution in her sociology of deviance course. Some things are clarified, many things

remain confusing. For example, CU does not appear to have denied the “post-Penn State” comment:

[Dean] Leigh told [Professor Adler] that there was “too much risk” in having such a lecture in the “post-Penn State environment,” alluding to the Jerry Sandusky scandal.

...

Asked about the “post-Penn State” comment that Adler reported being told, [CU spokesman] Miller said that “all education institutions, including CU-Boulder, have to ensure that no student or employee feels subject to discrimination or harassment.”

Again, I’m really not sure what connection there is between the Penn State scandal and TAs feeling uncomfortable participating in a skit for a lecture on deviance, except perhaps that the former is now the newest excuse for heightened centralized bureaucratic authority over academic affairs. To be a bit kinder to the university, and in admission of a lack of full information, it’s always possible that there is more to the story, and that one of the undergraduate teaching assistants made a serious complaint that went unheard or something of the sort. Right now though, the rhetoric seems over the top.

But perhaps the most perplexing new detail is the administration’s invocation of the IRB as a relevant entity:

Mark J. Miller, a spokesman for the university, said via email Sunday night that the university was limited in what it could say because a personnel matter is involved. But asked whether there were concerns about the prostitution lecture and whether they were expressed to Adler, Miller said: “Yes. CU-Boulder does not discourage teaching controversial topics but there has to be a legitimate educational basis for what is being taught in the classroom. In all cases involving people in research or teaching, whether controversial or not, we want to insist on best practices to ensure full regulatory compliance. In some cases, this could involve review from our Institutional Review Board, which is responsible for regulatory compliance involving human subjects.”

For those keeping score at home, IRBs generally have nothing to do with teaching. Their mission is to handle regulatory compliance for *research* involving human subjects. That is, they make sure people give informed consent to participate, that protocols are in place to deal with problems, etc. To my knowledge, IRBs are only involved in teaching when the students in the course are to conduct their own research. But what does the IRB possibly have to do with a professor giving a lecture?

Academic readers – have you ever heard of a faculty member getting IRB approval for something done in the classroom (that was not also part of a research project)?

EDIT: Two updates. First, the CU provost has issued a statement clarifying their side of the story. The provost argues that Adler was not forced to resign, but rather only forced to not teach deviance next term and warned that further issues could bring about a dismissal. The provost also points to complaints by anonymous TAs who felt uncomfortable refusing to participate and thus felt coerced as the source of the investigation / issue: “Student assistants made it clear to administrators that they felt there would be negative consequences for anyone who refused to participate in the skit. None of them wished to be publicly identified.” The full statement is up at [HuffPo](#).

Second, Andy Perrin contacted Colorado to follow up on the “IRB, wtf?” part of this story. In a [comment](#) on a ScatterPlot [post](#), he reproduces Colorado’s response: “You are quite correct regarding the misunderstanding about the appropriate role of IRBs, which is limited to the review of research activities. Our Provost will be providing a clarification in a memo to the campus this afternoon.” The Provost’s note (again available at [HuffPo](#)) does not mention the IRB.

EDIT 2: Today’s [Chronicle](#) story (gated) about the incident includes some follow-up from Colorado on the IRB question. The answer seems to be that Colorado acknowledges that the IRB has nothing to do with teaching... yet:

Mark K. Miller, a university spokesman, initially responded to questions raised by Ms. Adler’s treatment by suggesting that it might have been best for her to run her skit plans by an institutional review board.

He clarified on Monday that Steven R. Leigh, dean of the university’s College of Arts and Sciences, had raised the question of whether it might be appropriate for a review board to pass judgment on such an activity, but the university recognizes that such boards are established to oversee human-subjects research, not teaching.

So, the Dean knows IRBs don’t handle teaching, but thinks it would be appropriate for them to do so in the future. Lovely.

<http://asociologist.com/2013/12/16/whats-the-irb-got-to-do-with-teaching/>

Appendix 4

Articles Published in the Boulder *Daily Camera*

4-1. Articles by Sarah Kuta, Camera Staff Writer (303-473-1106, kutas@dailycamera.com or twitter.com/sarahkuta)

1. Posted December 13, 2013:

CU-Boulder students: Tenured professor Patti Adler being forced out because of prostitution lecture

By Sarah Kuta, Staff Writer, Boulder Daily Camera

Students at the University of Colorado are organizing in support of longtime sociology professor Patti Adler, who they say was asked to retire at the end of this semester for a lecture she taught on prostitution.

Many students who attended her "Deviance in U.S. Society" lecture Thursday afternoon said Adler told the 500-person class that she wouldn't be coming back after winter break. She said Thursday's class was the last she'd ever teach at CU, but it wasn't by choice.

Adler was traveling to Maui on Friday, according to her husband and University of Denver sociology professor Peter Adler.

CU officials said Patti Adler is still a tenured faculty member.

"Professor Adler is a tenured faculty member at CU-Boulder and, as long as she remains at the university, we expect that she'll teach along with her other duties," said CU spokesman Mark Miller.

Students: Adler was told skit on prostitution was offensive

Students in her class, however, tell a different story.

At Thursday's 2 to 3 p.m. class inside the Cristol Chemistry and Biochemistry auditorium, or "Chem 140" as it's called by students, Adler lectured for about 20 minutes before telling students she would not return in the spring.

Students said Adler then told the class that she was being forced into retirement because the administration thought her lecture on prostitution was inappropriate, degrading to women and offensive to some minority communities.

The prostitution lecture is given as a skit in which many of Adler's teaching assistants dress up as various types of prostitutes. The teaching assistants portrayed prostitutes ranging from sex slaves to escorts, and described their lifestyles and what led them to become prostitutes.

Students said Adler told them the administration heard a complaint about the skit. On the day of the lecture, several people who did not appear to be students attended the skit and took lots of notes, students said.

Adler told her students she tried to negotiate with the administration about leaving the skit off the syllabus. Administrators allegedly told Adler that in the era of sex scandals at schools like Penn State University, they couldn't let her keep teaching.

While informing the students about leaving the university, Adler teared up several times. At the end of the class, students gave her a standing ovation, and many waited after class to hug her.

"She did a hell of a job maintaining face and coming off more disappointed and sad than angry at what happened," said sophomore Chad Henderson. "It was very tumultuous. She was clearly distraught and trying to hold it together as best as she could."

Henderson said by its very nature the class deals with potentially offensive or provocative materials. Henderson said he wasn't offended by any part of the class, including the skit.

Another student in the class this semester, freshman Karley Myers, said the comparison of Adler's class to the Penn State scandal is "ridiculous."

Students create petition, Facebook group to support Adler

Some students claimed that staff members from CU's Office of Discrimination and Harassment attended the prostitution lecture, though university officials would not say either way.

"CU-Boulder cannot discuss personnel matters regarding any of its employees," Miller said. "However, I can say that the university cannot force anyone to retire, especially a tenured faculty member. Professor Adler did present a skit in her Deviance in U.S. Society sociology class that did involve conversations about prostitution. The university cannot comment on the proceedings of the Office of Discrimination and Harassment even to confirm or deny if a complaint has been filed in a given case."

After Adler's Thursday afternoon class, news spread quickly across the Boulder campus. Some students created a "Help Patti Adler stay at CU" Facebook group, and many described their plans to write letters to administrators. By Friday evening, an online petition on the

website Change.org was circulating in support of Adler.

Senior Caitlin McCluskey, who was an assistant for Adler's sociology class, performed as a prostitute during the skit earlier this semester.

She said all assistants were given the option of participating, and no one was forced to act in the skit.

McCluskey said she was tasked with portraying an "upper-class bar whore" and wore a dress she already owned as a costume.

"I never felt pressured in any way," McCluskey said. "I never felt uncomfortable. (The skit) was one of the main reasons I wanted to become an (assistant) in the first place. It seemed like a lot of fun."

McCluskey said Adler told the assistants about her departure at a potluck Tuesday.

Adler came to CU in 1987 as an assistant professor, according to her curriculum vitae. She became an associate professor in 1993 and a full professor in 1999.

Several students said Adler told them she planned to retire in three or four years.

"I'm sure she's traumatized by the incident because she has been teaching here since 1987, and she is one of the highest regarded professors in the department and in the world of sociology," McCluskey said.

Adler has co-authored many books and articles with her husband. In 2010, the husband-wife pair was awarded the George Herbert Mead Award for Lifetime Achievement by the Society for the Study of Symbolic Interaction.

'The university should stand behind their faculty members'

Boulder Faculty Assembly chairman Paul Chinowsky said he could not comment on Adler's situation because it is a personnel matter. However, Chinowsky did say that there is a system in place to review the potential dismissal of tenured faculty members.

Chinowsky said a tenured faculty member has the opportunity for review at the department, college, campus and system level. He said faculty members cannot be dismissed without "significant review and consideration."

"No tenured faculty can be forced out without appropriate and quite detailed review of the case at several governance levels," he said. "Faculty understand that and most would tell you they believe the system operates appropriately."

Freshman Sona Seligova, who was scheduled to be one of Adler's assistants next semester, said Adler's teaching style and passion for the subject has led her to consider adding a second major in sociology.

"Most professors that I have read off of lecture notes," Seligova said. "They're not really into associating with the students and integrating them into the class, and Patti is the complete opposite. It's just so much more interesting when your professor actually cares."

Many students said the administration's alleged decision to oust Adler was an attempt to squash creativity among professors who teach in nontraditional ways or about provocative subjects.

Students recounted how Adler showed up in class in a bikini to illustrate deviance or dressed as a homeless person to make the same point.

"Patti is so unorthodox, which is what makes her such an important faculty member," said Ciera Catalano.

"It's what makes all of her students remember her. She was goofy and she was fun and she made us like her, but she also taught us so much. The only reason she's being targeted is because she's so unorthodox and because she's so provocative. The university should celebrate that. The university should stand behind their faculty members."

www.dailycamera.com/cu-news/ci_24721349/cu-boulder-students-tenured-professor-patti-adler-being

2. Posted December 16, 2013

CU-Boulder pulls Patti Adler from 'Deviance' class, but denies forced retirement

Tenured prof says she's been offered buyout of 2 years' salary

By Sarah Kuta, Staff Writer, Boulder Daily Camera

University of Colorado officials acknowledged Monday that sociology professor Patti Adler's lecture on prostitution led them to suspend her from teaching her popular "Deviance in U.S. Society" course next spring -- but they denied firing her or forcing her into retirement.

Adler announced during a lecture for that course last Thursday that she was being forced out of the university because her course's skit on prostitution was seen as a "risk" to CU.

"In this case, university administrators heard from a number of concerned students about Professor Adler's 'prostitution' skit, the way it was presented and the environment it created for both students in the class and for teaching assistants," CU Provost Russell Moore wrote in an email to students, faculty and staff on Monday. "Student assistants made it clear to administrators that they felt there would be negative consequences for anyone who refused to participate in the skit. None of them wished to be publicly identified."

In that email, Moore wrote that Adler -- a tenured professor -- has not been dismissed, fired, forced to retire or coerced into retirement.

Adler, however, told the Daily Camera on Monday that university administrators gave her an ultimatum: take a buyout and retire, or stay at the university but not teach her signature class next semester.

Provost's message

Message from Provost Russell Moore to the campus community regarding the status of sociology professor Patti Adler:

Dear CU-Boulder Faculty, Staff and Students,

The University has received a number of queries from faculty, staff, students, media and external stakeholders regarding the status of sociology Professor Patti Adler.

Professor Adler has not been dismissed from the University and is not being forced to retire. Dismissal requires extensive due process proceedings, and the University does not coerce its faculty to retire. She remains a tenured faculty member in sociology at CU-Boulder.

A number of you have raised concerns about academic freedom and how it may connect to this situation. Academic freedom protects faculty who teach controversial and uncomfortable/unpopular subjects. However, academic freedom does not allow faculty members to violate the University's sexual harassment policy by creating a hostile environment for their teaching assistants, or for their students attending the class.

In this case, University administrators heard from a number of concerned students about Professor Adler's "prostitution" skit, the way it was presented, and the environment it created for both students in the class and for teaching assistants. Student assistants made it clear to administrators that they felt there would be negative consequences for anyone who refused to participate in the skit. None of them wished to be publicly identified.

The Dean of the College of Arts & Sciences and the Chair of the Sociology Department determined that Professor Adler would not teach the class in the spring semester (2014). Pending a review by faculty in sociology and in accordance with the needs of the department, Professor Adler may be eligible to teach the course in the future.

To reiterate, Professor Adler has not been fired or forced to retire. As to comments she has made that she might be fired in the future, I should note that any employee at the University -- including faculty members -- found responsible for violating the University's sexual harassment policy, is subject to discipline up to and including termination.

The University fully supports the teaching of controversial subjects, and the ability of faculty to challenge students in the classroom and prompt critical thinking. At no time was the subject of Professor Adler's course in question. Rather, it was the manner in which the material was presented in one particular classroom exercise and the impact of that manner of presentation on teaching assistants and students.

Russell L. Moore, Provost

University of Colorado Boulder

The second option came with a caveat, Adler said. If the administration received even one complaint about her, Adler said she was told she would be fired immediately, without retirement benefits.

Adler, 62, said she has not decided whether to accept the buyout or remain at CU.

Boulder campus spokesman Mark Miller said he could not comment on any offer Adler may have received from CU.

"We do not buy out faculty members, but what was offered to Professor Adler is really between her and the administration," Miller said.

In the email to the CU community, Moore suggested that Adler may have violated the university's sexual harassment policy.

He said academic freedom protects those who teach controversial, uncomfortable or unpopular subjects, but does not protect faculty members who "violate the university's

sexual harassment policy by creating a hostile environment for their teaching assistants, or for their students attending the class."

Moore went on to say that any employee at CU who violates the sexual harassment policy is subject to discipline -- including termination.

He said it was not the subject matter of Adler's course that is "in question," but that it was the "manner in which the material was presented in one particular classroom exercise" that led the university to suspend Adler from teaching her deviance course next semester.

'No guarantee I would ever be able to go back'

Adler said during a meeting with CU administrators earlier this month she was offered a buyout consisting of two years' salary paid over five years. The alternative was to stay at the university, but not teach her deviance course next semester.

Though she was suspended from the deviance course for just one semester, Adler said she doubts she'd be permitted to teach that class again after the suspension.

Adler said sociology chair Joanne Belknap decides which professors teach which courses, and that it was Belknap who went to the Office of Discrimination and Harassment about the prostitution lecture earlier this fall.

Belknap did not respond to a request for comment Monday.

"There's no guarantee I would ever be able to go back (to teaching the course deviance) or not," Adler said.

Adler said she's not sure if she wants to stay at CU and live in fear of losing her family's health insurance and other retirement benefits if one complaint is filed against her. Her husband, University of Denver sociology professor Peter Adler, recently was on leave for six months for an undisclosed medical condition.

"That is a risk that really scares me," she said. "I can't afford to take that kind of risk."

Adler and her husband are vacationing in Maui, where they own a home and spend time during breaks in the academic year. She said the university gave her a Jan. 6 deadline to sign the buyout, which she said would begin Dec. 31 even if she signs the contract after that.

"I'm still trying to get my head to stop whirling," she said. "I need to figure out what's best for my family and me. I want to try to let things calm down and discuss this. It's going to affect my husband's work and our lives."

Prostitution skit a 'risk' to the university

According to Adler, one of her teaching assistants went to Belknap, the chair of the sociology department, earlier this fall about plans to present the prostitution lecture as a skit.

The teaching assistant worried that the undergraduates who portray prostitutes in the skit might feel uncomfortable talking to Adler if they didn't want to perform. Those undergraduates are assistant teaching assistants, or ATAs, and receive credit for helping with lectures, administrative tasks and grading exams.

Belknap then went to CU's Office of Discrimination and Harassment, Adler said, and two investigators from the office attended the Nov. 5 lecture on prostitution.

During the lecture, many of Adler's assistant teaching assistants portrayed prostitutes ranging from sex slaves to escorts, and described for the class their lifestyles.

On Dec. 5, Adler said she was invited to a meeting that included the two investigators, College of Arts and Sciences Dean Steven Leigh, Associate Dean Ann Carlos and a member of the university's legal team.

"They said this skit was a risk to the university," Adler said. "(The two investigators) scared the administrators so much that the administrators said I have to be taken out of the deviance class and that they offered me a buyout. I could get this two-for-five deal, but I have to take it right now.

"And it just felt like an ignominious push out the door."

Adler said the Office of Discrimination and Harassment had received no complaints and there was no complainant in the investigation. Adler said the investigators told her they waited a few weeks, but no one came forward saying they were offended by the skit.

During the skit, one of the actors playing a prostitute spoke in an Eastern European accent and said she'd been sold into sex slavery, Adler said.

Also during the skit, an actor portraying a male prostitute used the word "faggot," Adler said, and the actor pretending to be a pimp said that "the bottom of his shoes would make a bitch's face look like a wavy Lay's potato chip."

"They thought it was trivializing the portrayal of violence," Adler said.

The professor, who's taught at CU since 1987, said the skit "enlivens visibly the stratification hierarchy of prostitutes." The actors talk about their education, family, how they got into prostitution, the risks involved and their future.

"The skit has high educational value and high pedagogical value," Adler said. "Then we follow that up with an education exercise that makes students reflect on (the skit) and what they learned from it."

On Dec. 6, Adler said there was a contract in her university mailbox for the buyout.

'They're witch hunters'

Adler said she wasn't sure how this situation could end positively, but added that university administrators should consider changing the way the Office of Discrimination and Harassment works on campus.

"They are witch hunters," she said. "And to be accused, to be investigated, is to be guilty. You're assumed to be guilty with no due process. It's a culture of fear, a culture of political correctness and power of (the Office of Discrimination and Harassment)."

Peter Adler said his wife "loved" CU and was actively involved with the university outside of teaching. Her post at CU elevated the status of the university among sociologists worldwide, he said.

"For the University of Colorado to lose Patti is to lose star power," he said. "She was a loyal CU faculty member. She loved the place."

Students have organized a protest in support of Patti Adler on Jan. 3 on the Boulder campus.

A person who identified himself as Patti Adler's son, Brye Adler, posted on the [Change.org](http://www.change.org) petition to save Patti Adler's job.

The petition, which was created late last week by students, had more than 2,300 signatures on Monday evening.

"The last couple of weeks have been heartbreaking to watch as my mother has been threatened, intimidated, manipulated and lied to by the school for which she worked for 27 years," Brye Adler wrote.

http://www.dailycamera.com/cu-news/ci_24737023/cu-boulder-pulls-patti-adler-from-deviance-class

3. Posted December 17, 2013

CU-Boulder: Patti Adler could teach deviance course again if it passes review

Faculty Assembly calls emergency meeting to discuss the tenured professor's fate with the dean

By Sarah Kuta, Staff Writer, Boulder Daily Camera

University of Colorado officials said Tuesday that longtime sociology professor Patti Adler might have a chance to teach her popular "Deviance in U.S. Society" course this spring if a review before the start of the semester finds the class appropriate.

CU officials had said previously that Adler would not be allowed to teach the course in the spring because of a lecture about prostitution.

"If Professor Adler were to agree to a review of her 'Deviance in U.S. Society' (course) prior to the spring semester by a group of her peers in sociology or perhaps by her sociology colleagues joined by other faculty colleagues from CU-Boulder, and that review resulted in an OK of the course and its materials and techniques, or recommended structural changes acceptable to her, Professor Adler could be back teaching the course in the spring semester," CU spokesman Mark Miller said late Tuesday afternoon.

Miller said the sociology department's executive committee members decided Monday that if Adler requested a review of the course, they would conduct the review. The full sociology department confirmed that decision Tuesday, Miller said.

He added that the review doesn't have a timeline and can be conducted by the sociology department whenever Adler requests it.

The statement from Miller was in stark contrast to an email blast that went out to the CU community Monday from Provost Russell Moore.

In the email, Moore said Steven Leigh, the College of Arts and Sciences dean, and sociology chairwoman Joanne Belknap "determined that Professor Adler would not teach the class in the spring semester (2014)."

Moore said the decision was a result of the administration hearing from several "concerned" students about the prostitution lecture, which is delivered as a skit performed by undergraduate teaching assistants.

The announcement that Adler's deviance course could undergo a review before the spring semester came the same day that Leigh met with several students who voiced their support for Adler.

Miller said the review was not a result of that meeting with students. He added that the course review would have to be "fast-tracked" in order to finish before the start of the spring semester and that Adler has not agreed to a review.

He said the option of a review has been communicated to Adler.

Miller also confirmed Tuesday that CU offers "retirement incentives" to select faculty members. His description of the incentives matched the description of the "buyout" Adler said she was offered earlier this month.

"As a strategic budget saving measure, the university has offered retirement incentives to select faculty who are eligible," Miller said. "In essence, a professor who elects to accept a retirement incentive would get two years of salary paid out over five years, typically into the faculty member's retirement plan."

Faculty Assembly to hold 'emergency meeting'

CU faculty members announced they will hold an "emergency meeting" Wednesday to discuss Adler's fate with Leigh.

Boulder Faculty Assembly chairman Paul Chinowsky said in an email to faculty members that the meeting will allow for questions and discussion. The assembly typically meets the first Thursday of every month, and the December meeting already was held Dec. 5.

The emergency meeting will be at 10:30 a.m. at the University Club.

During a Nov. 5 lecture on prostitution, some of Adler's teaching assistants dressed as various types of prostitutes and other characters to portray their lifestyles for the class.

That lecture was reviewed by the Office of Discrimination and Harassment, which found it to be a "risk" to the university, according to Adler.

Adler, who's been teaching at CU since 1987, said she was given an ultimatum this month by university administrators that required her to either retire or stay at the university but not be able to teach her class on deviance next spring.

Some faculty members expressed discomfort with the situation, saying it appeared to limit Adler's academic freedom.

In a public blog post, CU environmental studies professor Roger Pielke Jr. wrote that he found the situation to be "concerning."

"I am also concerned because next semester I am teaching a course in which issues of gender, sex, discrimination, race and other potentially sensitive topics appear throughout the syllabus," Pielke wrote. "Will I be at risk of losing my job if university officials don't like how I teach these issues? What if a student is 'uncomfortable' because of the material or exercises in the class?"

Academic freedom vs. harassment policies

University officials said there's long been discussion about how to protect academic freedom while taking reports of sexual harassment and sexual assault seriously.

In cases where course materials include discussions, graphics or texts about sexuality, that discussion can get tricky, CU officials said.

CU Board of Regents law defines academic freedom as "the freedom to inquire, discover, publish and teach truth as the faculty member sees it, subject to no control or authority save the control and authority of the rational methods by which truth is established."

Though CU officials would not confirm an investigation into Adler's lecture on prostitution by the Office of Discrimination and Harassment, Moore, the provost, suggested that Adler might have violated the campus sexual harassment policy, writing Monday that "academic freedom does not allow faculty members to violate the University's sexual harassment policy by creating a hostile environment for their teaching assistants, or for their students attending the class."

Several students came forward to university administrators about Adler's prostitution skit, according to Moore's statement.

"Student assistants made it clear to administrators that they felt there would be negative consequences for anyone who refused to participate in the skit," Moore wrote.

Moore declined to comment further on the situation Tuesday.

Officials in CU's Office of Discrimination and Harassment and Office of Student Conduct did not return voicemail messages left Tuesday.

According to the Office of Discrimination and Harassment website, sexual harassment is "unwelcome conduct of a sexual nature."

To violate CU's policy on sexual harassment, the behavior must create a "hostile environment, meaning the behavior must be severe or pervasive enough to interfere with a person's learning, working or living environment."

Many of Adler's "assistant teaching assistants" have said in interviews with the Camera that they were given the choice to participate in the prostitution skit and that their decision not to participate would not negatively affect their grade. Assistant teaching assistants are undergraduates who help with lectures, administrative tasks and grading exams for class credit.

CU spokesman Miller said the university does not disclose the findings of the Office of Discrimination and Harassment because they are confidential.

"Making findings public could expose anyone bringing forward concerns to the (Office of Discrimination and Harassment) to retaliation and could deter future complainants from coming forward," he said.

http://www.dailycamera.com/cu-news/ci_24738548/boulder-faculty-call-emergency-meeting-discuss-patti-adler

4. Posted December 18, 2013:

CU-Boulder officials: Patti Adler's deviance course has prompted long-term concern

Audio recording of closed faculty meeting provided to Daily Camera

By Sarah Kuta, Staff Writer, Boulder Daily Camera

University of Colorado officials told faculty members in a closed-door meeting Wednesday that there have been long-term concerns about tenured sociology professor Patti Adler's course "Deviance in U.S. Society."

"What we know based on our discussion with sociology is that there have been concerns expressed over the years, and unfortunately these concerns have not been dealt with in an effective manner," said Steven Leigh, dean of the College of Arts and Sciences, according to an audio recording of the meeting provided to the Daily Camera.

During the 70-minute meeting, which was closed to the media and the public, many faculty members angrily expressed their concerns and frustrations with the situation surrounding Adler.

Adler, who teaches the 500-person deviance course, asks undergraduate teaching assistants to portray prostitutes in a skit as part of one lecture. Adler told the Camera earlier this week that the skit was investigated by the Office of Discrimination and Harassment, which found it to be a "risk" to the university, she said.

From there, administrators gave her an ultimatum, she said. Adler said she was told she could take a buyout and retire immediately, or have the course reviewed by the sociology department.

Students filmed without consent?

After the faculty meeting Wednesday, administrators said in a news conference that the "main concern" with Adler's course was that students were being photographed or filmed without their consent during the skit.

"With any course involving something unusual, like photographing students, we ask for consent forms to be signed," Leigh said. "For example, when we photograph someone in a theater rehearsal, they have to sign consent forms for this. We were concerned in this course that maybe there are cell phone videos being taken or other kinds of videos that would put students in a position where we didn't have consent on these issues."

Adler said all students know they are being videotaped and often ask for copies as keepsakes. She said she's never heard the administration's claim that the concern is about consent for photos and videos.

Leigh's concern about student consent has not been mentioned by administrators before.

In an email to the campus community Monday, Moore raised concerns about student teaching assistants who "felt there would be negative consequences for anyone who refused to participate in the skit," and suggested the lecture may have violated CU's sexual harassment policy.

Adler said she was told by administrators earlier this month that if she stayed at the school rather than retire, she would not be allowed to teach the deviance course in the spring.

On Tuesday, however, administrators reversed their decision not to allow Adler to teach the course in the spring. Instead, they said she could teach the deviance course in the spring if a review of the course by the sociology department finds the class to be appropriate.

Leigh acknowledged that the administration "reversed course," saying that officials wanted to abide by the rules of self-governance and allow the sociology department to handle the

issue internally.

"They're scrambling for cover," Adler said Wednesday. "The messages are so conflicting and so contradictory."

Adler said she's never heard any complaints about her deviance course in the 26 years she's been at CU. She wondered why, if administrators were aware of complaints in the past, they didn't discuss them with her to resolve the issues.

Adler said she hasn't made a decision yet whether to sign her retirement contract, which she said is due to administrators by Jan. 6, or allow the sociology department to review her course.

"The atmosphere feels chilly in there," Adler said of her department.

Adler confirmed that she received an email from sociology chairwoman Joanne Belknap this week informing her of the option to have the course reviewed before the start of the spring semester. Adler said that was the first she'd heard of the option to have the course reviewed before the spring.

Belknap has not returned multiple voicemail messages over the last few days. She took over as

chairwoman of sociology at the start of this semester.

During the CU football recruiting scandal in 2004, Belknap criticized the university's handling of sexual assault cases. In the aftermath of that scandal, she was asked by the athletic department to help change the campus climate and reportedly put on an awareness class for the football team.

'That's a threat'

Also during the meeting of faculty members Wednesday, associate sociology professor Leslie Irvine called for the resignation of Moore, the provost, because of the email blast he sent out Monday.

"In the statement Russell Moore issued to the campus community on Monday, Dec. 16, he insinuated that professor Adler is under investigation for sexual harassment, and he did not come out and say this, but this was the implication," Irvine said after the meeting in an interview with the Camera. "That is not true, and it was irresponsible for him to even imply that. In my view, because his statement can and, in fact, has been understood that way, I have no confidence that he can effectively oversee the faculty, which is the main part of his job."

Adler said she felt threatened by parts of Moore's emailed statement, which said "any employee" who violates CU's sexual harassment policy "is subject to discipline up to and including termination."

Adler has claimed that in meetings, CU administrators told her she'd be fired without benefits if they heard one complaint against her.

In the meeting with the faculty, Moore said he had concrete evidence of complaints from more than one student. He would not elaborate on the number of complaints when pushed by faculty members.

"That's a threat," she said. "They're smearing me, and they're threatening me. It's demeaning and scary. I'm sure that's what they're really trying to do."

http://www.dailycamera.com/cu-news/ci_24747207/patti-adler-prostitution-skit-cu-boulder-photo-consent

5. Posted December 18, 2013:

Faculty group 'condemns' CU-Boulder over treatment of Patti Adler

CU: 'We are not violating academic freedom in any way'

By Sarah Kuta, Staff Writer, Boulder Daily Camera

The Colorado chapter of the American Association of University Professors is showing its support for Patti Adler in a **new statement issued this week** that "condemns" the way the University of Colorado has treated the tenured sociology professor.

Seven members of the association's Colorado Conference signed the letter, dated Wednesday, that urges CU to uphold academic freedom and respect Adler's "pedagogical judgment" in the classroom "in the absence of procedurally credible evidence of any misconduct."

On Thursday, CU officials said they strongly disagreed with the group's portrayal of the controversy surrounding Adler's classroom skit on prostitution.

"We are not violating academic freedom in any way," Boulder campus spokesman Mark J. Miller said. "We heard concerns from students that they felt coerced to participate in the skit and we are obliged to look into those concerns. We appreciate that AAUP cannot and does not know all of the details."

Adler, who teaches the popular "Deviance in U.S. Society" class, asks undergraduate teaching assistants to portray prostitutes in a skit as part of one lecture.

She told the Daily Camera this week the skit was deemed a "risk" to the university by the Office of Discrimination and Harassment. She said she has been given an ultimatum by the university: take a buyout and retire immediately, or have the course reviewed by the sociology department.

According to the statement, members of the association feel that CU's treatment of Adler is a violation of academic freedom and an "unwarranted infringement on Professor's Adler's professional obligation to choose effective instructional methods to communicate disciplinary knowledge in her classroom."

The association's mission is to advance academic freedom and ensure higher education's contribution to the common good, according to its website.

National association members told the Camera on Thursday that the Colorado conference's statement reflects the national organization's principles and views.

The statement goes on to say that CU may have violated federal institutional research protocol, and that the university's concerns about sexual harassment have "no bases in principle or in fact."

"Sexual harassment does not justify restriction of academic freedom except where an intent to harass is manifestly evident or a hostile environment is shown to exist, the circumstances

of which have not been established in this case and thus should not be presumed absent formal grievance and investigation," the statement says.

http://www.dailycamera.com/cu-news/ci_24756214/faculty-group-condemns-cu-boulder-over-treatment-patti?IADID=Search-www.dailycamera.com-www.dailycamera.com

6. Posted December 30, 2013

Patti Adler 'welcome to teach' controversial course again, CU-Boulder

Sociology prof says she's considering suing CU

By Sarah Kuta, Staff Writer, Boulder Daily Camera

Patti Adler's controversial University of Colorado course on deviant behavior passed an initial faculty review this week, but the tenured professor is still not sure whether she'll return to teach the class as she weighs legal action against the school.

Adler said she was informed by email Monday that the course "Deviance in U.S. Society" -- with its now-infamous skit about prostitution -- was reviewed by four professors within CU's sociology department and found to be appropriate for her to teach this coming semester.

The committee's page-long report (*see document below*), which also was emailed to sociology faculty members on Monday, concludes that Adler "should be welcome to teach the course in Spring 2014 and thereafter."

"I'm not even sure how I feel," Adler said after learning of the review's recommendation.

Boulder campus spokesman Bronson Hilliard cautioned, though, that Adler is not yet cleared to return to teaching the course, as the sociology department's executive committee still must sign off on the review by professors Jane Menken, Michael Radelet, Kathleen Tierney and Joyce Nielsen.

"The sociology department generally relies on the executive committee to inform and weigh in on the department's major decisions, and this opportunity to weigh in is consistent with that role," Hilliard said.

The long-running deviance course, which contains a lecture about prostitution presented as a skit performed by undergraduate teaching assistants, has been the subject of controversy among CU faculty members and administrators since early December.

That skit, Adler said, was investigated by the Office of Discrimination and Harassment, which she claimed found it to be a "risk" to the university. CU officials said they had concerns about students who may have felt coerced into participating, and possibly filmed without their consent.

In the committee's review of the course, the four faculty members recommend that, in using the skit in the future, Adler document that those involved give "full informed consent to participate, including the possibility of being filmed, and can opt out of participation at any time without penalty."

'Course is highly rated'

Following the investigation by the Office of Discrimination and Harassment, Adler said administrators gave her an ultimatum: take a buyout and retire immediately, or return to campus next semester, but not teach the course on deviance.

Later, administrators decided that Adler could teach the deviance course again if it passed a review by the sociology department.

Adler contacted sociology chair Joanne Belknap by email Dec. 20, asking for Belknap to convene an "ad hoc committee" within the department to review the course. The committee asked her to provide materials from the course on Dec. 25, but Adler said she did not provide any information to the committee because her daughter was in town for the holidays.

In its letter to the department, the committee said it reviewed publicly available Faculty Course Questionnaires for the class for the past seven years. Adler taught the course 11 times for 4,582 students during that time period. Just over half of those students filled out a questionnaire.

The committee paid specific attention to a question on the instructor's respect for students and found that Adler's average scores were in line with other large courses.

"The course is highly rated by students," the committee members wrote in their letter, which was dated Sunday.

The letter was addressed to the sociology department executive committee, which includes Belknap and professors Janet Jacobs, Hillary Potter, Stefanie Mollborn and Tierney, who was part of the review committee.

The committee also spoke with three previous department chairs, Nielsen, Radelet and Richard Rogers, who said they received no formal complaints about Adler from fall 2004 to spring 2013.

The committee also considered the role of the prostitution skit, and found it to be acceptable, pending a few minor changes.

"We were unable to review the lecture and skit on prostitution or discuss it with Professor Adler or other participants," the letter said. "We believe, however, that properly conducted role-playing and skits are meritorious pedagogical techniques."

Menken, Tierney and Nielsen did not respond to requests for comment Monday. Radelet said in an email that none of the four committee members had anything to add to their written statement.

At the end of the letter, the committee recommend that Adler be allowed to resume teaching the course, and that, "If skits or similar role-playing exercises are included, the informed consent procedures discussed above should be carefully considered."

Adler still undecided about future

Adler said she has not yet decided whether she will return to teach the popular 500-student course in the spring. She and her husband, University of Denver sociology professor Peter Adler, confirmed that they are talking with potential attorneys and weighing their legal options.

"The possibility of a lawsuit, which we really didn't consider much 10 days ago, now we are much more seriously considering that and how we would go about it," Peter Adler said. "At this point there's a lot of pressure from other faculty and within our own moral code to go for the lawsuit because we do think now we have a case of defamation at the very least."

Sunday, the CU-Boulder chapter of the American Association of University Professors called on the campus administration to retract Provost Russell Moore's Dec. 16 statement to the university community, arguing it "strongly implied that Professor Adler had sexually harassed her students."

CU's classes resume after the winter break ends Jan. 13. The university has not yet announced who, if anyone, will teach Adler's deviance course in the spring if she does not return.

In the past, Adler has said that administrators told her she would be fired without benefits if she chose to return to campus and even one complaint was filed against her.

"We're considering whether walking into the classroom is a setup," she said. "Whether I'd be able to teach my class in my style. Or would I be worried that any person could walk into the class at anytime, including (the Office of Discrimination and Harassment), and find something objectionable and then complain. I don't think I'm alone in having this worry, but I'm particularly under the spotlight.

"How would that impact my ability to do my job the way I have done it?"

http://www.dailycamera.com/cu-news/ci_24816429/patti-adler-says-shes-cleared-teach-deviance-course

7. Posted January 9, 2014

Patti Adler returning to teach at CU-Boulder, 'Deviance' course survives

Well-known sociology professor had believed career at university was at an end

By Sarah Kuta, Staff Writer, Boulder Daily Camera

Sociology professor Patti Adler will return to the University of Colorado next week, with some reservations, to resume teaching her controversial "Deviance in U.S. Society" class on the Boulder campus, she announced Thursday.

"After more than a month marked by trauma, turmoil and great emotional distress for my family and myself, I am proud to say that the University of Colorado has backed down from their initial position and is allowing me to return to teach this semester in the course 'Deviance in U.S. Society,'" Adler said in a statement.

CU-Boulder spokesman Bronson Hilliard confirmed that Adler will be returning to teach the course, but added that the university will not be apologizing to Adler. The professor and others have said that statements made by the university insinuated that she might have violated CU's sexual harassment policy.

"We stand by the statements we've made," Hilliard said. "Those statements were simply designed to articulate what we felt the issues were in this particular case. They were not designed to attack Professor Adler at any level and we don't believe they did."

Adler, who said she received a letter from College of Arts and Sciences Dean Steven Leigh on Wednesday inviting her back to teach, said she doesn't feel entirely welcome at CU.

She voiced concerns that the administration may put a "plant" in one of her classes to file complaints about her. Hilliard, however, said the university is not going to "generate any artificial or contrived actions" against Adler.

"The faculty want me back," Adler said. "The administration, I bet they don't. They would probably rather I not come back. But because of the public outcry and the media coverage, they can't treat me as bad as they would maybe like to."

CU administration working out what informed consent for prostitution skit participation looks like

Classes resume Monday, and Adler's decision comes at the end of a nearly month-long controversy over a single lecture in the tenured sociology professor's long-running course on deviance.

The 500-person deviance class features a lecture about prostitution, which is presented as a skit performed by undergraduate teaching assistants.

After the skit was investigated by the Office of Discrimination and Harassment in November, Adler said she was told it was a "risk" to the university. CU officials later said they had concerns about students being coerced into participating in the skit and possibly being filmed without their consent.

Adler said the university gave her a choice between early retirement with an incentive, and a return to campus that would not include teaching her course on deviance.

In early December, Adler told her class that she would not return to campus after the winter break, causing an uproar among students who soon banded together to defend Adler.

Later, administrators said Adler could return to teach the course if it passed a review by a committee of her peers in sociology. When an ad hoc committee recommended that Adler be allowed to teach the deviance course, CU administrators said the sociology executive committee had to sign off on the course first before Adler was cleared to teach.

Once the executive committee gave Adler the nod, she weighed her options while consulting with Evergreen-based attorney Bill Finger.

The only change either committee recommended for Adler's course is that she obtain "full informed consent" from students who participate in the prostitution skit.

Hilliard said CU's administration will work with the Boulder Faculty Assembly to determine how Adler and all other faculty should go about getting consent from students in the future.

He said the administration also wants to better communicate with faculty members the role of graduate students and teaching assistants, using video and "captured media" in the classroom and the role of the Office of Discrimination and Harassment.

"The concerns about students entering into the role-playing that's inherent in the skit, we're on our way to resolving those with the informed consent process," Hilliard said. "What's important is that students understand they won't be penalized in any way if they choose not to participate in the skit and that they give their official consent for participation."

'Rosa Parks of sociology and academia'

Adler said she decided to return to teach her course on deviance on principle and because of the support she received from students, past students, fellow faculty members and national organizations. She said she felt like she had to come back to stand up for faculty members at CU and at other universities and their rights to due process and academic freedom.

She described returning to teach as a "moral victory," and said she felt a little bit like the "Rosa Parks of sociology and academia."

Though Adler wouldn't say how long she plans to teach at CU, she encouraged students to register for the spring semester deviance course because it "could be the last waltz."

In addition to the deviance course, Adler will also lead a course for teaching assistants on teaching sociology.

She also wouldn't speak definitively about any plans to take legal action against the school, though she didn't know if she had "the stomach" for a lawsuit, she said, which would be expensive and emotional.

In the last month, Adler's situation has attracted attention from groups such as the American Association of University Presidents and the Colorado chapter of the American Civil Liberties Union. Many groups and Boulder faculty members voiced their concern over how the university treated Adler, and said they felt Adler's academic freedom had been violated.

In her statement Thursday, Adler criticized the Office of Discrimination and Harassment for its "overreach," writing that schools and universities are quashing academic freedom and creativity for the sake of protecting themselves from exposure or fault.

"Universities and schools at all levels around the globe are increasingly sacrificing academic freedom as they become more concerned with risk and liability than with creating an environment in which creativity and ideas can flourish and students can be challenged to expand their horizons," she wrote.

Boulder Faculty Assembly chairman Paul Chinowsky said regardless of Adler's decision, the situation has raised questions about how processes at CU work.

He said the faculty and administration plan to work together to clarify any confusing policies and better inform faculty about the role of the Office of Discrimination and Harassment and to make sure that no "ambiguity" exists in the future.

Chinowsky added that one of the major concerns he's heard from faculty is how to balance their own concerns about academic freedom with the concerns of students.

"The one thing the Patti Adler situation did highlight was that there's a lot more questions than answers that faculty have and that of course makes people nervous," he said. "What do (faculty) not know? What do they just not understand and what is it that needs to be improved? We've got an agreement with the administration to work together on this."

http://www.dailycamera.com/ci_24880999/patti-adler-returning-teach-at-cu-boulder-deviance

4-2. An Article by Amy Bounds, Camera Staff Writer (boundsa@dailycamera.com)

Posted December 29, 2013

CU-Boulder faculty group asks for retraction of statement on Patti Adler

By Amy Bounds, Staff Writer, Boulder Daily Camera

The Boulder chapter of the American Association of University Professors is calling on the University of Colorado to retract statements about tenured sociology professor Patti Adler.

In a statement made Sunday, the group urges CU to retract Provost Russell Moore's statement to the university community, saying Moore "strongly implied that Professor Adler had sexually harassed her students." The group also asked CU to issue a public apology to Adler and allow her to resume teaching without further reviews.

CU spokesman Bronson Hilliard said a retraction will not be forthcoming.

"It was a statement that emphasized the importance of student safety alongside academic freedom," he said. "Those are two values we're very committed to."

In his statement earlier this month, Moore wrote: "A number of you have raised concerns about academic freedom and how it may connect to this situation. Academic freedom protects faculty who teach controversial and uncomfortable/unpopular subjects. However, academic freedom does not allow faculty members to violate the University's sexual harassment policy by creating a hostile environment for their teaching assistants, or for their students attending the class."

The controversy stems from a skit on prostitution. Adler, who teaches the popular "Deviance in U.S. Society" class, asks undergraduate teaching assistants to portray prostitutes in a skit as part of one lecture.

She told the Daily Camera last week that the skit was deemed a "risk" to the university by the Office of Discrimination and Harassment. She said she has been given an ultimatum by the university: take a buyout and retire immediately, or have the course reviewed by the sociology department.

The Boulder chapter said in its statement that CU is violating Adler's academic freedom.

"While academic freedom cannot be absolute, the suspension of due process, on the grounds that some students may have felt pressured to volunteer for a classroom exercise, makes a mockery of the principles of academic freedom," according to the statement.

Last week, the Colorado chapter of the American Association of University Professors also issued a statement in support of Adler and condemned her treatment by CU.

According to the statement, members of the association feel that CU's treatment of Adler is a violation of academic freedom and an "unwarranted infringement on Professor's Adler's professional obligation to choose effective instructional methods to communicate disciplinary knowledge in her classroom."

The association's mission is to advance academic freedom and ensure higher education's contribution to the common good, according to its website. The association includes

national, state and university chapters. All three now have communicated their support for Adler.

Appendix 5

Statement from Patti Adler on her return to the University of Colorado

Released by Patti Adler on Thursday, January 9, 2014:

After more than a month marked by trauma, turmoil, and great emotional distress for my family and myself, I am proud to say that the University of Colorado has backed down from their initial position and is allowing me to return to teach this semester in the course, Deviance in U.S. Society. During this process my character was severely and repeatedly defamed by administration officials, I was denied academic freedom and due process, my rights to privacy in a personnel matter were trampled, I was both intimidated and induced to take early retirement, and was then buffeted by the continuous and changing stories coming from the University as they attempted to cover-up their egregious mishandling of my case.

Although it is gratifying that the Dean of Arts and Sciences has affirmed the Sociology Department Executive Committee's affirmation of the Ad Hoc Committee's decision to permit me to continue teaching a course that for 25 years has been held in high esteem with no reported complaints, the fact that it had to undergo this extraordinary scrutiny to reverse CU's initial jump to judgment is a sad statement on what is occurring in universities.

My victory today is a small one, and mostly Pyrrhic, because the trends toward mission creep and overreach by bodies such as the Office of Discrimination and Harassment and Institutional Review Boards are increasingly dominating decision-making in higher education. Universities and schools at all levels around the globe are increasingly sacrificing academic freedom as they become more concerned with risk and liability than with creating an environment in which creativity and ideas can flourish and students can be challenged to expand their horizons.

I greatly appreciate the support I have received from students, faculty, and outside organizations. Due process, academic freedom, and the role/power of these various entities within universities everywhere continue to be problematic. These are universal issues, not ones confined to my case. Whatever path I choose, my husband and I will continue to fight for the cherished values that initially drew us to the life of scholarship, service, and the education of all people.

Patti Adler

Professor of Sociology

University of Colorado

http://www.dailycamera.com/cu-news/ci_24876690/patti-adler-statement

Appendix 6

Statements Issued by the American Association of University Professors

The American Association of University Professors, acting at the national, state, and local levels, has issued statements condemning in the very strongest terms the actions of University of Colorado administrators – in the first instance, Provost Russell Moore, and

Dean Steven Leigh – in their treatment of Patricia Adler, a full professor in the Department of Sociology of the University of Colorado at Boulder.

1. Statement by the Colorado Conference of the American Association of University Professors (December 18, 2013)

The Colorado Conference of the American Association of University Professors, in a document entitled “Statement Regarding University of Colorado and Professor Patricia Adler,” and posted on its website on December 18th, offered the following evaluation of the actions of the University of Colorado regarding sociology professor Patricia Adler:

AAUP Colorado Conference Condemns University

On December 18th, the AAUP Colorado Conference issued the statement below.

Statement Regarding University of Colorado and Professor Patti Adler

The AAUP Colorado Conference condemns the University of Colorado’s treatment of sociology professor Patti Adler as a clear violation of academic freedom and an unwarranted infringement on Professor Adler’s professional obligation to choose effective instructional methods to communicate disciplinary knowledge in her classroom. The reported concerns of CU administration, first, that Professor Adler may have violated federal institutional research protocol and, second, that Adler’s classroom role playing presentation potentially violates federal sexual harassment policy, if correctly reported, have no bases in principle or in fact and appear to inaccurately characterize the reach of either of these important social protections. Institutional Review Boards are clearly limited to supervising research, not teaching. Sexual harassment protection does not justify restriction of academic freedom except where an intent to harass is manifestly evident or a hostile environment is shown to exist,* the circumstances of which have not been established in this case and thus should not be presumed absent formal grievance and investigation. The fact that Professor Adler has taught her class using this role playing exercise for 20 years without complaint is certainly strong circumstantial evidence against such allegation. The AAUP Colorado Conference hereby urges CU administration to uphold academic freedom and hereinafter respect Dr. Adler’s pedagogical judgment in classroom in the absence of procedurally credible evidence of any misconduct.

Signed:

Stephen P. Mumme, PhD, Co-President, AAUP Colorado Conference

Jonathan Rees, PhD, Co-President, AAUP Colorado Conference

Ray Hogler, PhD, Vice President for Legislative Affairs, AAUP Colorado Conference

Suzanne Hudson, MA, Secretary Treasurer, AAUP Colorado Conference

Don Eron, MFA, AAUP University of Colorado at Boulder

Dean Saitta, PhD, Immediate Past Co-President, AAUP Colorado Conference

Myron Hulen, PhD, Past President, AAUP Colorado Conference

*AAUP’s official policies on Institutional Review Board practices and Sexual Harassment may be found at the national website.

<http://www.aaup.org/news/aaup-colorado-conference-condemns-university>

2. Statement by the National Board of the American Association of University Professors (December 20, 2013)

AAUP Statement on the University of Colorado's Treatment of Professor Patricia Adler

December 20, 2013

The American Association of University Professors (AAUP) joins its Colorado state conference in condemning the University of Colorado - Boulder 's treatment of sociology professor Patricia Adler. Although the university has not made public its own account of what transpired between university representatives and Prof. Adler, reports in the media and the testimony of many faculty and students at Boulder make clear that there has been an unwarranted and egregious violation of her academic freedom, specifically her right as a faculty member to select her own instructional methods within the broad parameters of her discipline and university policies.

The controversy derives from Prof. Adler's use of student assistants to impersonate various kinds of prostitutes in a large lecture class on "Deviance in U.S Society. " Although some facts remain murky, it is clear that Adler has used the technique for many years without incident or recorded complaint. Recently, however, representatives of the university's Office of Discrimination and Harassment showed up at her class unannounced, apparently in response to concerns raised by one of Adler's teaching assistants. However, neither that student, nor any other, filed a complaint about the class. Nevertheless, subsequently, Adler claims, she was asked by a dean to accept a buyout and retire or risk costly disciplinary penalties, including the loss of her retirement benefits. She says that she was also told she could not teach the class again. The university has neither confirmed nor fully denied this account.

Whatever took place between university officials and Prof. Adler in private, however, the university's justifications for its actions have shifted daily. Originally, Dean Stephen Leigh claimed that there was "too much risk" in having such a lecture in the "post-Penn State environment," alluding to the Jerry Sandusky scandal. How volunteer students acting out roles in a classroom exercise is equivalent to the forcible violation of underage boys by a retired coach in a locker room remained unclear. The university then claimed that the exercise violated the university's human subjects policy and should have been approved by the Institutional Review Board. But they backed off that explanation when members of the board and others pointed out that IRBs focus on research, not classroom activities.

In an email to the university community Provost Russell Moore then suggested that the exercise violated the university's sexual harassment policy. However, that policy maintains that "[r]obust discussion and debate are fundamental to the life of the University. Consequently, this policy shall be interpreted in a manner that is consistent with academic freedom." The AAUP's own suggested policies for handling sexual harassment complaints states that if such harassment "takes place in the teaching context, it must also be persistent, pervasive, and not germane to the subject matter. The academic setting is distinct from the workplace in that wide latitude is required for professional judgment in determining the appropriate content and presentation of academic material."

Then, several days into the controversy and shortly after a closed - door meeting with faculty representatives, the university suddenly raised a new issue, which it now said was "the main concern," claiming that students were being photographed or filmed without their consent during the skit. "With any course involving something unusual, like photographing students, we ask for consent forms to be signed," Dean Leigh said. "For example, when we photograph someone in a theater rehearsal, they have to sign consent forms for this. We were concerned in this course that maybe there are cell phone videos being taken or other kinds of videos that would put students in a position where we didn't have consent on these issues."

The video or audio recording of faculty and students in a classroom without their consent may well be problematic. But the university administration has offered no evidence to suggest that such recording actually took place, much less that it was Prof. Adler's doing. Moreover, there are clearly far less obtrusive methods of dealing with such issues than canceling a class. To cancel a controversial classroom exercise merely because it might possibly be photographed surreptitiously would in itself amount to an egregious violation of academic freedom and deprive students and faculty alike of an important learning experience.

The university now says that whatever happened between its representatives and Prof. Adler, they have now "reversed course." They are asking that the class be reviewed by Prof. Adler's peers in the sociology department. Unfortunately, this remains problematic. From media accounts it appears that Prof. Adler and her department chair have longstanding differences. Whatever these differences may amount to, it is clear that at minimum any judgment within the department will lack the necessary appearance of fairness. More important, however, we see no reason why in the absence of any documented and serious complaints Prof. Adler's course should be subjected to a level of peer supervision and review not mandated for other courses in the sociology department.

Universities exist to challenge people's beliefs and assumptions, including in controversial subjects like sexuality . That Prof. Adler has taught this course and used this provocative technique for years without complaint should be taken as testimony to her skills as an instructor. Certainly it would appear that her students appreciate this. We are heartened by the several statements by students in support of Prof. Adler's teaching and by the student - sponsored online petition signed by over 3,000 people demanding that Colorado - Boulder "keep Patti Adler as a Professor."

The AAUP does not deny that there are instances in which instructors conduct themselves in the classroom in a manner worthy of disciplinary action. But there must be credible and concrete evidence of such misconduct and any faculty member so charged should be entitled to due process. While we recognize that all the facts may not be public, what is known in this instance makes clear that the university has been inconsistent in its rationale and hasty in its judgments. Therefore, we strongly urge the University of Colorado - Boulder administration to make a clear statement affirming that Professor Adler has not been forced to resign over the skit on prostitution that took place in her class and that she will be allowed to teach the course in the future.

<http://www.aaup.org/file/ColoradoStatement.pdf>

3. Statement by the University of Colorado at Boulder Chapter of the American Association of University Professors (December 29, 2013)

CU-Boulder Chapter of the AAUP Issues Statement on the University of Colorado's Treatment of Professor Patricia Adler

The University of Colorado chapter of the American Association of University Professors (AAUP) joins our Colorado Conference and our national association in condemning the University of Colorado's assault on the reputation and academic freedom of sociology professor Patricia Adler.

University officials have publicly insinuated that Professor Adler has sexually harassed her students and endangered their safety. They have threatened her employment while repeatedly changing their reasons for doing so—absent any formal finding against Professor Adler, any semblance of due process, or any evidence of student safety having been compromised.

They have shown ignorance of the importance of academic freedom for university teachers in providing a rigorous education for university students. They have disregarded both the University of Colorado's own regulations regarding academic freedom and those of the AAUP, which serve as the standard for the profession. While academic freedom cannot be absolute, the suspension of due process, on the grounds that some students may have felt pressured to volunteer for a classroom exercise, makes a mockery of the principles of academic freedom.

The CU chapter of the AAUP echoes the national AAUP in strongly urging the administration of the University of Colorado at Boulder to:

- retract its requirement that Professor Adler's "Deviance in U.S. Society" course design and pedagogy undergo any special review, since there have been no formal complaints about the course in the more than twenty years that Professor Adler has taught it, since the course has already been scrutinized during normal procedures for course approval, and since courses taught by other sociology professors are not required to undergo a similar special review;
- cease and desist all investigations into Professor Adler's pedagogy in the absence of any formal complaints or evidence that her course harms students;
- make a clear statement affirming that Professor Adler will be allowed to teach the "Deviance in U. S. Society" course in the future in accordance with her best professional judgment and within the parameters of academic freedom as defined by the laws of the university and the AAUP;
- retract Provost Russell Moore's original, unfounded statement to the university community in which he strongly implied that Professor Adler had sexually harassed her students and issue a public apology to Professor Adler;
- clarify its policies on discrimination and sexual harassment with a clear understanding of the limits to which students' discomfort with a subject interferes with their safety and education.

Furthermore, the Boulder chapter of the AAUP encourages the University of Colorado to follow accepted and approved procedures for pursuing complaints against faculty.

<http://www.cu-aaup.org/2013/12/29/cu-boulder-chapter-of-the-aaup-issues-statement-on-the-university-of-colorados-treatment-of-professor-patricia-adler/>

Appendix 7

Joint Statement of the National Coalition Against Censorship, American Civil Liberties Union of Colorado, Foundation for Individual Rights in Education, and Student Press Law Center

The following consists of a letter to Provost Russell Moore, and others, with an accompanying joint statement issued by the National Coalition Against Censorship, American Civil Liberties Union of Colorado, Foundation for Individual Rights in Education, and Student Press Law Center. Because of the somewhat complex formatting involved in the cover letter itself, the Word format version of that that letter which is given below does not contain everything that the original letter contained – including a list of NCAC Participating Organizations – but the content of the letter to Provost Moore is completely accurate, and no changes have been made to the accompanying, joint statement.

The original letter and the accompanying joint statement can be found online at <http://work.ncac.org/storage/pdfs/2014/ucolorado-adler-joint-statement-20140102.pdf>

National Coalition Against Censorship

January 2, 2014

Russell Moore
Provost and Executive Vice Chancellor for Academic Affairs
University of Colorado Boulder
40UCB
Boulder, CO 80309-0275
Rmoore@Colorado.EDU

Dear Provost Moore,

Attached please find a joint statement from the National Coalition Against Censorship, American Civil Liberties Union of Colorado, Foundation for Individual Rights in Education, and Student Press Law Center regarding the University's recent actions regarding Professor Patricia Adler.

Please do not hesitate to contact us if we can be of any assistance in resolving this matter.

Sincerely,

(Signature)

Joan Bertin
Executive Director
National Coalition Against Censorship

CC:

Steven Leigh
Dean
College of Arts & Sciences

Ann M. Carlos
Associate Dean-Faculty
College of Arts & Sciences

Philip DiStefano
Chancellor
Office of the Chancellor

Paul Chinowsky, Ph. D.
Boulder Chair of the Faculty Assembly

Bronson Hilliard
Assistant Vice Chancellor for Strategic Media Relations

Statement about the University of Colorado's Actions Relating to Professor Patricia Adler

From

**The National Coalition Against Censorship, American Civil Liberties Union of Colorado,
Foundation for Individual Rights in Education, and Student Press Law Center**

January 2, 2014

As groups concerned about academic freedom and free speech, we join the American Association of University Professors in expressing alarm over the University's actions regarding Professor Patricia Adler and her course "Deviance in U.S. Society."

According to published reports, the current situation involves concerns about a class exercise, in which teaching assistants participate in a skit playing the role of prostitutes. Professor Adler has been teaching this course, including this role-play exercise, for many years without incident, and it routinely attracts upwards of 500 students. Recently, Professor Adler reported that she had been advised that the course was being cancelled, and that she was given the choice to return, but not teach the course, or to take early retirement. Subsequently, the University claimed that if she returned, she *might* be allowed to teach the course if she requested a departmental review of its contents. If she chose to return, she claims she was told that any complaint against her could be grounds for her immediate termination.

We are particularly disturbed by the suggestion, in a statement issued by Provost Russell Moore, that Professor Adler's instructional methods might constitute sexual harassment. According to the statement, "academic freedom does not allow faculty members to violate the University's sexual harassment policy by creating a hostile environment," and a member of the faculty who is "responsible for violating the University's sexual harassment policy, is subject to discipline up to and including termination." It concludes by citing "the manner in which the material was presented in one particular classroom exercise and the impact of that manner of presentation on teaching assistants and students" as the basis for the University's response.

Sexuality and sexual deviance are important subjects of academic inquiry in many fields, ranging from art and literature to biology and psychology. As the discussion of these subjects in society at large has long been strictly regulated and circumscribed by a range of taboos, there may be a level of discomfort in discussing them. However, that discomfort has nothing to do with sexual harassment. It is incumbent on academic institutions to draw a clear and firm distinction between academic inquiry, which is protected by principles of academic freedom and the First Amendment, and true sexual harassment, which is not.

Overly broad application of harassment rationales that impinge on speech are particularly problematic in the educational setting, and can be fatal to a robust academic environment. Even raising the question about whether an academic exercise *might* fall under the prohibition against sexual harassment could have a profoundly chilling effect on academic freedom and free speech. Recognizing this, the Supreme Court imposes a high standard governing when an educational institution can be held liable for sexual harassment, specifically, the harassment must be targeted, discriminatory, and so "severe, pervasive, and objectively offensive" that it "effectively bars the victim's access to an educational opportunity or benefit." *Davis v. Monroe County Board of*

Education, 526 U.S. 629,633 (1999). Indeed, in that case the Court explicitly required that harassment be judged by an objective standard that meets all three criteria ("severe, pervasive, and objectively offensive"). Similarly, in workplace harassment cases, "whether an environment is 'hostile' or 'abusive'" depends on "the frequency of the discriminatory conduct; its severity; whether it is physically threatening or humiliating, or a mere offensive utterance...." *Harris v. Forklift Systems, Inc.*, 510 U.S. 17,23 (1993). See also *Clark County School District v. Breeden*, 532 U.S. 268, 271 (2001) ("simple teasing, offhand comments, and isolated incidents (unless extremely serious) will not amount to" harassment).

Even the definition in the University's own sexual harassment policy would not apply to the present situation. That policy defines hostile environment sexual harassment as "unwelcome *sexual conduct* that is ... severe or pervasive." (Emphasis added.) The examples in the policy refer to "sexual advances" and "sexually explicit messages" sent by one individual to another. Nowhere is there any suggestion that a classroom exercise or discussion about sexuality, especially when it is a topic of study in a particular class, could plausibly constitute sexual harassment.

If this were not the case, a great deal more would be at risk than a sociology class role-play exercise. Such an overbroad definition of sexual harassment could chill discussion in an English class of the sex scenes in *Tropic of Cancer*, *Fifty Shades of Grey*, or *The Story of O*, or a discussion about *Deep Throat* in a film studies class, or a discussion about sexual fetishes in a psychology class, or a discussion about incest or pederasty in an anthropology course, or a discussion about John Currin's painting *The Women of Franklin Street* or Gustave Courbet's *L'Origine du monde* in an art history class. The fact that such discussions may make some students uncomfortable is irrelevant: some level of discomfort can be expected when students' cultural norms and pre-existing views and beliefs are challenged in the academic environment, but to challenge unquestioned assumptions is precisely the role of higher education.

The overly broad and irresponsible use of harassment and discrimination investigations threatens to limit academic inquiry to the bland, conventional, and uncontroversial, throwing a deadening pall of orthodoxy over higher education, especially with regard to controversial topics like sexuality. In fact, it is hard to imagine that the university would have responded similarly if a role-play exercise had been used, for instance, to teach about the experience of sweatshop workers. The university's response to this situation, inappropriately raising the spectre of sexual harassment to attack and intimidate the professor, illustrates the need for vigilance in enforcing academic freedom, both to protect faculty and students' right to inquire and discuss sensitive topics, and to prevent demeaning or distorting the serious problem of real harassment and abuse.

The apparent conditional re-instatement of the course pending faculty review hardly cures the problem, since this course was apparently singled out for extraordinary scrutiny based solely on the content, in violation of fundamental First Amendment principles. Subjecting one course to such review, highly irregular in itself, inevitably has a chilling effect, not only on Professor Adler, but on the faculty as whole and even on faculty at other universities. The message that potentially controversial classroom content would make a professor vulnerable to special scrutiny and review is a direct threat to academic freedom. At a time when academia is relying increasingly on non-tenured and adjunct faculty, such a threat is likely to have immediate and far-reaching consequences.

Nor does the recent report from the *ad hoc* committee, even if ultimately accepted by the Sociology Department Executive Committee, assuage our concerns. Notably absent is any statement about the proper scope and meaning of sexual harassment in the academic context. Instead, the report cites a "duty to protect students from exposure to a wide variety of inappropriate experiences." The term "inappropriate"—undefined in the report—is particularly troubling. Indeed, the term requires a subjective judgment, and in this context could be used as a rationale to protect students from uncomfortable or disturbing experiences. That falls far short of any accepted definition of sexual harassment, including the university's own policy, and would seem to belie the very role of higher education.

The longer the uncertainty about the status of Professor Adler and her course persist, the more egregious the problem becomes. We strongly urge you to re-instate Professor Adler's class without further reviews or conditions.

(Signature)

Joan Bertin
Executive Director
National Coalition Against Censorship
19 Fulton Street, Suite 407
New York, NY 10038
(212) 807-6222 ext. 101
bertin@ncac.org

(Signature)

Mark Silverstein
Legal Director
ACLU of Colorado
303 E. 17th Ave., Ste 350
Denver, CO 80203-1256
(303) 777-5482
msilverstein@aclu-co.org

(Signature)

Greg Lukianoff
President
Foundation for Individual Rights in Education
601 Walnut St, Suite 510
Philadelphia, PA 19106
(212) 582-3191
greg@thefire.org

(Signature)

Frank LoMonte
Executive Director
Student Press Law Center
1101 Wilson Blvd., Suite 1100
Arlington, VA 22209-2275 US
(703) 807-1904
director@splc.org

Appendix 8

Statements by Members of the University of Colorado Administration

1. Statement by Provost Russell Moore

The following statement was sent via email to **all faculty, staff, and students** of the University of Colorado at Boulder on December 16, 2013.

Message from Provost Moore to the campus community regarding the status of sociology Professor Patti Adler:

Dear CU-Boulder Faculty, Staff and Students,

The University has received a number of queries from faculty, staff, students, media and external stakeholders regarding the status of sociology Professor Patti Adler.

Professor Adler has not been dismissed from the University and is not being forced to retire. Dismissal requires extensive due process proceedings, and the University does not coerce its faculty to retire. She remains a tenured faculty member in sociology at CU-Boulder.

A number of you have raised concerns about academic freedom and how it may connect to this situation. Academic freedom protects faculty who teach controversial and uncomfortable/unpopular subjects. However, academic freedom does not allow faculty members to violate the University's sexual harassment policy by creating a hostile environment for their teaching assistants, or for their students attending the class.

In this case, University administrators heard from a number of concerned students about Professor Adler's "prostitution" skit, the way it was presented, and the environment it created for both students in the class and for teaching assistants. Student assistants made it clear to administrators that they felt there would be negative consequences for anyone who refused to participate in the skit. None of them wished to be publicly identified.

The Dean of the College of Arts & Sciences and the Chair of the Sociology Department determined that Professor Adler would not teach the class in the spring semester (2014). Pending a review by faculty in sociology and in accordance with the needs of the department, Professor Adler may be eligible to teach the course in the future.

To reiterate, Professor Adler has not been fired or forced to retire. As to comments she has made that she might be fired in the future, I should note that any employee at the University – including faculty members – found responsible for violating the University's sexual harassment policy, is subject to discipline up to and including termination.

The University fully supports the teaching of controversial subjects, and the ability of faculty to challenge students in the classroom and prompt critical thinking. At no time was the subject of Professor Adler's course in question. Rather, it was the manner in which the material was presented in one particular classroom exercise and the impact of that manner of presentation on teaching assistants and students.

Russell L. Moore, Provost
University of Colorado Boulder

<https://www.facebook.com/cuboulder/posts/10153665809820171>

Also quoted in the *Daily Camera* article, "CU-Boulder pulls Patti Adler from

‘Deviance’ class, but denies forced retirement.” http://www.dailycamera.com/cu-news/ci_24737023/cu-boulder-pulls-patti-adler-from-deviance-class

2. Statement by Chancellor Philip DiStefano

The following statement was apparently sent via email to *all faculty*, but not to staff, or students, of the University of Colorado at Boulder on December 19, 2013. Note that although Chancellor DiStefano appears to be attempting to provide some support for the actions of Provost Moore and Dean Leigh by indirectly defending them against the charge that they violated academic freedom, and although he uses the expression “harassment and discrimination,” neither of which Professor Patti Adler was guilty, Chancellor DiStefano does not advance the extremely damaging and defamatory charge of sexual harassment that Provost Moore advanced against Patti Adler.

Email from Chancellor DiStefano to CU-Boulder faculty, Dec. 19, 2013:

“At the University of Colorado Boulder, we can achieve our educational mission only in an atmosphere of free inquiry and discussion, where our students and faculty pursue their study, learning, research, and discussions with true academic freedom. It is also crucial to this freedom of inquiry, that we are equally dedicated to providing a working and learning environment free from harassment and discrimination. These two primary objectives – academic freedom and providing a positive and challenging working and learning environment – can successfully coexist. We know the faculty of this great institution is dedicated to achieving both. When questions do arise, we are dedicated to working through them in accordance with the principles of shared governance. Our commitment to academic freedom is unwavering.”

<http://kris.shaffermusic.com/2013/12/academic-freedom-at-cu/>

3. Statements by University of Colorado Spokespersons Mark Miller and Bronson Hilliard

What is a ‘spokesperson’, as that term is employed by the University of Colorado? The answer is not clear, but presumably a spokesperson is not an individual who, acting on his or her own, formulates an opinion on some matter, and then issues a statement, without that statement’s being approved by a relevant administrator.

In spite of this, University of Colorado spokespersons do often make statements that they do not attribute to anyone else. This is surely a *very* unsatisfactory, and morally unacceptable procedure, since it serves as a way in which people in the administration, such as Provost Moore in the present case, can make statements without others being able to attribute those statements to them, and hence without the possibility of their being held responsible for those statements.

I have done Internet searches for documents issued by two spokespersons for the University of Colorado – namely, Mark Miller and Bronson Hilliard – but those searches were unsuccessful. Here, then, I have had to use accounts given in articles in the Boulder newspaper, the *Daily Camera*.

3-1: Statements by University of Colorado Spokesperson Mark Miller

1. From “CU-Boulder pulls Patti Adler from ‘Deviance’ class, but denies forced retirement” (The Boulder *Daily Camera*, December 16):

“Boulder campus spokesman Mark Miller said he could not comment on any offer Adler may have received from CU.

‘We do not buy out faculty members, but what was offered to Professor Adler is really between her and the administration,’ Miller said.”

2. From “CU-Boulder: Patti Adler could teach deviance course again if it passes review” (The Boulder *Daily Camera*, December 17th, 2013):

Concerning the New, ‘Course Review’ Option

"If Professor Adler were to agree to a review of her 'Deviance in U.S. Society' (course) prior to the spring semester by a group of her peers in sociology or perhaps by her sociology colleagues joined by other faculty colleagues from CU-Boulder, and that review resulted in an OK of the course and its materials and techniques, or recommended structural changes acceptable to her, Professor Adler could be back teaching the course in the spring semester," CU spokesman Mark Miller said late Tuesday afternoon.

Miller said the sociology department's executive committee members decided Monday that if Adler requested a review of the course, they would conduct the review. The full sociology department confirmed that decision Tuesday, Miller said.

He added that the review doesn't have a timeline and can be conducted by the sociology department whenever Adler requests it.

The statement from Miller was in stark contrast to an email blast that went out to the CU community Monday from Provost Russell Moore.

In the email, Moore said Steven Leigh, the College of Arts and Sciences dean, and sociology chairwoman Joanne Belknap "determined that Professor Adler would not teach the class in the spring semester (2014)."

Concerning the Reason for the Administration’s Switch to ‘Course Review’ Option

“Miller said the review was not a result of that meeting with students. He added that the course review would have to be "fast-tracked" in order to finish before the start of the spring semester and that Adler has not agreed to a review.

Comment

One would have expected some explanation of what the reason for the change was. As one can see, spokesperson Mark Miller responded by saying that the change was not due to negative student reaction to the original stance. He said nothing about what the reason was.

Concerning the Buyout/Payout Incentive Being Offered to Professor Adler

“Miller also confirmed Tuesday that CU offers ‘retirement incentives’ to select faculty members. His description of the incentives matched the description of the ‘buyout’ Adler said she was offered earlier this month.

"As a strategic budget saving measure, the university has offered retirement incentives to select faculty who are eligible,' Miller said. 'In essence, a professor who elects to accept a retirement incentive would get two years of salary paid out over five years, typically into the faculty member's retirement plan'."

Comments

1. A day earlier, Mark Miller had said that he couldn't comment on any offer that Professor Adler had received from the University of Colorado, and he added that the University did "not buy out faculty members" Suddenly he was somehow able to do so.

2. As Mark Miller correctly said, the 'retirement incentives are offered only to "select faculty members."' He said nothing about the University's reason for including Professor Adler in this "select" group.

3-2: Statements by University of Colorado Spokesperson Bronson Hilliard

1. From "CU-Boulder faculty group asks for retraction of statement on Patti Adler" (The Boulder *Daily Camera*, December 17th, 2013):

"The Boulder chapter of the American Association of University Professors is calling on the University of Colorado to retract statements about tenured sociology professor Patti Adler.

In a statement made Sunday, the group urges CU to retract Provost Russell Moore's statement to the university community, saying Moore 'strongly implied that Professor Adler had sexually harassed her students'. The group also asked CU to issue a public apology to Adler and allow her to resume teaching without further reviews.

CU spokesman Bronson Hilliard said a retraction will not be forthcoming.

'It was a statement that emphasized the importance of student safety alongside academic freedom', he said. 'Those are two values we're very committed to'.

In his statement earlier this month, Moore wrote: 'A number of you have raised concerns about academic freedom and how it may connect to this situation. Academic freedom protects faculty who teach controversial and uncomfortable/unpopular subjects. However, academic freedom does not allow faculty members to violate the University's sexual harassment policy by creating a hostile environment for their teaching assistants, or for their students attending the class'."

Comment

Bronson Hilliard's statement illustrates how very unacceptable the use of 'spokespersons' by University of Colorado administrators is. Recall that the situation is as follows. The CU-Boulder chapter of the American Association of University Professors has issued a statement whose opening paragraph is as follows:

"The University of Colorado chapter of the American Association of University Professors (AAUP) joins our Colorado Conference and our national association in condemning the University of Colorado's assault on the reputation and academic freedom of sociology professor Patricia Adler."

When one makes an “assault on the reputation” of someone, one is defaming the character of that person. The CU-Boulder AAUP chapter’s charge is thus a very serious one, and it goes on to say that among the things that the administration needs to do is to

- “retract Provost Russell Moore’s original, unfounded statement to the university community in which he strongly implied that Professor Adler had sexually harassed her students and issue a public apology to Professor Adler”

This statement by the CU-Boulder AAUP chapter provided Provost Moore with an opportunity to admit that he had made a reckless statement, and to apologize to Professor Adler for assaulting her reputation and defaming her character. His response was to reject that opportunity, but he did not have the courage to do that himself. The task of rejecting the request that he retract the statement and apologize publicly to Professor Patti Adler was instead delegated to Bronson Hilliard.

2. From “Patti Adler returning to teach at CU-Boulder, 'Deviance' course survives” (The Boulder *Daily Camera*, January 9th, 2014):

“CU-Boulder spokesman Bronson Hilliard confirmed that Adler will be returning to teach the course, but added that the university will not be apologizing to Adler. The professor and others have said that statements made by the university insinuated that she might have violated CU's sexual harassment policy.

”We stand by the statements we've made,” Hilliard said. “Those statements were simply designed to articulate what we felt the issues were in this particular case. They were not designed to attack Professor Adler at any level and we don't believe they did’.”

Comment

Notice the use of the term “we” in Bronson Hilliard’s remarks. Who is the “we” here? The crucial statement that has given rise to the defamation of character charge against Provost Moore – and not, for example, against Dean Leigh – is the email statement sent out on December 13th by Provost Moore to all faculty members, staff, and students of the University of Colorado, in which he said,

“To reiterate, Professor Adler has not been fired or forced to retire. As to comments she has made that she might be fired in the future, I should note that any employee at the University – including faculty members – found responsible for violating the University’s sexual harassment policy, is subject to discipline up to and including termination.”

So what we are being told by Bronson Hilliard is that Provost Moore is claiming that he was not guilty of defamation of character when he noted that Professor Adler might well be fired if she were “found responsible for violating the University’s sexual harassment policy,” even though there has never been any claim that, if true, would entail that Professor Adler was guilty of violating that sexual harassment policy. What Provost Moore needs to do, however, is not to have Bronson Hilliard announce that Provost Moore does not believe that he himself was guilty of defamation of character; what Provost Moore needs to do is, instead, to issue a detailed statement *himself*, rather than through a mouthpiece, defending the claim that the email he sent out containing the passage quoted above was *not* such as

would lead many people to believe that there were allegations of sexual harassment against Patti Adler, and therefore that it did not defame the character of Patti Adler.

Appendix 9

Report by the Sociology Department Ad Hoc Committee to Review the Course

TO: The Sociology Department Executive Committee:
Chair Joanne Belknap, Professors Janet Jacobs, Hillary Potter, Kathleen Tierney, Stefanie Mollborn

RE: Review of Materials for Professor Patti Adler's *Deviance in U.S. Society* course

FROM: Sociology Department Ad Hoc Committee to Review the Course
Jane Menken, Joyce Nielsen, Michael Radelet, Kathleen Tierney

DATE: December 29, 2013

The Executive Committee of the Department of Sociology appointed an Ad Hoc Committee "to examine materials for Professor Patti Adler's Course, *Deviance in U.S. Society*." We are not privy to formal complaints, if any, that the course has received, and our committee is not at all an investigative committee charged with investigating complaints.

The Committee is composed of four full professors of sociology: Kathleen Tierney, the Director of the Natural Hazards Center in the Institute of Behavioral Science; Jane Menken, Distinguished Professor and Director of the Institute of Behavioral Science; and Michael Radelet and Joyce Nielsen, former Chairs of the Department of Sociology.

The Committee finds that the course content offers a serious and comprehensive examination of deviance. In 2011, the text (edited by Adler and Adler) was rated, in a review in *Teaching Sociology*, a journal of the American Sociological Association, as the top among 12 texts on deviance.¹ The course follows this text closely. Exams and exercises are appropriate.

As a course that meets A&S Core Requirements for Ideals and Values, its syllabus is regularly reviewed by the College Curriculum Committee, and was last re-approved in November 2009.

We were unable to review the lecture and skit on prostitution or to discuss it with Professor Adler or other participants. We believe, however, that properly conducted role-playing and skits are meritorious pedagogical techniques. If skits are used in the future, it will be appropriate for Professor Adler to document that those involved, whether students in the class, undergraduate teaching assistants (ATAs), or graduate teaching assistants (TAs), give full informed consent to participate, including to the possibility of being filmed, and can opt out of participation at any time without penalty, if, indeed, this is the standard being used throughout the university for in-class participation.

We fully agree that the University and the Department have a duty to protect students from exposure to a wide variety of inappropriate experiences. We addressed this issue in the only

two ways available to us.

- We reviewed the publicly available Faculty Course Questionnaires (FCQs) for the course over the past 7 years, during which it was taught 11 times in the fall or spring semesters. Total enrollment was 4582 students, with just over half having a recorded FCQ. The course is highly rated by students. We paid close attention to the question on instructor's respect for students.² Professor Adler's average scores are totally in line with other large courses. Responses included a few low scores, but again they were consistent with other courses.

- We asked the three previous department chairs, Professors Joyce Nielsen, Richard Rogers, and Michael Radelet, who served Fall, 2004 – Spring, 2013, whether they had received formal complaints about content or teaching style of Professor Adler's courses. No formal complaints were received.

Going beyond the charge to our committee to review course materials, we reiterate the statement made by the Sociology Department Faculty in mid-December: "As a department, we want to affirm that we value both the academic freedom of our faculty and the welfare of our students, and are committed to respecting a due process that protects and promotes the rights and interests of both." As a committee, we recommend that the Sociology Department and the campus consider whether and how to improve ways of addressing concerns about these twin pillars of the university, academic freedom and student welfare.

COMMITTEE CONCLUSION: We reviewed Professor Adler's course content and recommend that she should be welcome to teach the course in Spring 2014 and thereafter. If skits or similar role-playing exercises are included, the informed consent procedures discussed above should be carefully considered.

Cc: Sociology Department Faculty
Dean Steven Leigh
Associate Dean Ann Carlos
Provost Russell Moore

1 Seth L. Feinberg. 2011. Defining deviance: A comparative review of textbooks in the sociology of deviance. *Teaching Sociology* 39: 382-387.
<http://tso.sagepub.com/content/39/4/382>

2 The question is "Rate this instructor's respect for and professional treatment of all students regardless of race, color, national origin, sex, age, disability, creed, religion, sexual orientation, or veteran status."

<http://www.scribd.com/doc/194729966/REPORT-Ad-Hoc-Committee-to-Review-Deviance-Course-Materials-December-29-2013>

Appendix 10

The University of Colorado document concerning sexual harassment – "Sexual Harassment Policy and Procedures," Administrative Policy Statement Number 5014.

This document can be found in full at the following University of Colorado website:
<https://www.cu.edu/policies/aps/hr/5014.pdf>

The relevant parts of it for present purposes are the following definitions:

“Sexual harassment - Sexual harassment consists of interaction between individuals of the same or opposite sex that is characterized by unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, living conditions and/or educational evaluation; (2) submission to or rejection of such conduct by an individual is used as the basis for tangible employment or educational decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or educational environment.”

“Hostile environment sexual harassment: (described in subpart (3) above) is unwelcome sexual conduct that is sufficiently severe or pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, hostile or offensive. The determination of whether an environment is "hostile" must be based on all of the circumstances. These circumstances could include the frequency of the conduct, its severity, and whether it is threatening or humiliating. Examples which may be policy violations include the following: an instructor suggests that a higher grade might be given to a student if the student submits to sexual advances; a supervisor implicitly or explicitly threatens termination if a subordinate refuses the supervisor's sexual advances; and a student repeatedly follows an instructor around campus and sends sexually explicit messages to the instructor's voicemail or email.”