

4-1-2012

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### Recommended Citation

Stratton, Michael T. (2012) "James Michaels (A) and (B)," *Organization Management Journal*: Vol. 9: Iss. 1, Article 6.

Available at: <https://scholarship.shu.edu/omj/vol9/iss1/6>

## James Michaels (A) and (B)

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**This two-part case describes a challenging and painful period for James Michaels, a young and openly gay assistant professor of computer science at a small Midwestern liberal arts college. To James's surprise and disgust, a male student harasses him using a homophobic slur in an e-mail. The case chronicles not only the harassment incident, but also how college administrators and faculty colleagues handle this allegation. James soon finds himself in complete disappointment with the outcome and unsure how to proceed. He perceives that the college administrators, along with some of his colleagues, discount the severity of the harassment incident and in doing so disregard his rights and fail to hold the offending student fully accountable for such policy-violating behavior. Students assigned this case, taking into account James's perspective, are asked to identify and recommend specific strategies to achieve justice and accountability in this context. *Organization Management Journal*, 9: 34–48, 2012. doi: 10.1080/15416518.2012.666949**

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**Keywords** case study; problem-based learning; power and politics; homophobic harassment; organizational justice

### JAMES MICHAELS (A)<sup>1</sup>

On a warm summer evening, James arrived home after a short commute from the college. His day was one of nervous anticipation and constant preoccupation with the hopes of receiving official word from President Jones about the grievance committee recommendations. Only a few weeks before, a student had used a homophobic epithet directed at James in an e-mail tirade. James viewed this harassment as a purposeful attempt by the student to use hate as way to intimidate because of a particular grade decision. With the genuine support of his immediate department colleagues, James followed protocol and made his case to college administrators that the student should be appropriately sanctioned, given the nature of this hurtful act.

After a brisk walk to the mailbox, James now sat on the front steps of his house with Ken, his partner of five years, holding the

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letter from President Jones. As he read the letter aloud to Ken, his hands began to shake and his voice began to tremble. He was soon silent. Ken grabbed the letter in anger and ranted, "How could the president make such a bad decision that basically disregards your needs and rights? This is unacceptable. Obviously they don't support you. I think you should resign your faculty position immediately!" James responded by dropping his head down on his knees and taking a deep breath. After a couple of minutes of silence, he looked up, staring into the sunset while contemplating how he had reached this point and what to do next in the face of injustice. He realized that he couldn't stand by while the specifics of the decision letter were implemented, which James believed would be precedent-setting in terms of diminishing the severity of this type of harassment and undercutting the rights of an academician. Yet at the same time, James was unsure exactly how he could challenge the decisions of such an influential college president.

### Background<sup>2</sup>

Dr. James Michael was a computer science professor on track to become tenured in a few short years. He came to the small, private liberal arts college in 2005 because of the emphasis on students and the balance of being a teacher and researcher. The college, located in a Midwestern state, faced severe financial troubles because of a decreasing endowment, declining enrollment, and a mediocre first year-student retention rate. Even during this difficult time, James was excited about his future at the college. He was recently asked to lead the computer science minor and was seen by many both in and outside his small department as a scholar with great potential. During his first couple of years at the college, James created a strong relationship with his department chairperson, Dr. Scott Ferradino. He and Scott had a similar passion for research and teaching; in addition, Scott was keenly interested in seeing James excel in the classroom and become a contributing member of the faculty. It was critical for new faculty to become known and respected by colleagues because of the peer-based performance evaluation system known as tenure. James's future at the college in terms of promotion and tenure would be determined not only by his department, but also by colleagues outside his department and senior administrators.

Although James started to establish himself in the classroom as a well-respected professor and was even elected by his colleagues to serve on college-wide committees, Scott had some reason to be concerned about James's future. The computer science department was often under fire by some professors at the college. As the most popular major, the computer science field was regularly dismissed by other disciplines as simply a "professional training program" that contradicted the college's liberal arts mission. While other related programs existed in the curriculum, such as social work and business administration, many in the humanities and even some in the social sciences disciplines segregated computer science as simply being outside the norm. Scott worried that these biases against the department could adversely affect James's chances of promotion and tenure. Therefore, he believed James needed to prove himself as a committed and highly active college citizen.

Scott was the most senior faculty member in the department and served on the faculty executive board (the FEB, an elected body of senior faculty that works with the administration on issues related to academic priorities and faculty rights). He often fought in the trenches for more resources and attempted to convince naysayers about the demand for computer science education in today's economy and its relatedness to a broad, liberal education. The college president, Dr. Robert "Bob" Jones, and the provost, Dr. Edward Smith, both believed in this program and saw it as a natural fit. This often irritated some in the faculty, especially since the administration held back funding to other departments so the computer science major could continue to attract students. Nevertheless, Scott developed close relationships with many in the other disciplines and helped start the college's well-known interdisciplinary honors program. James respected Scott for his ability to garner support and hoped that he could follow in Scott's footsteps.

James regularly sought Scott's advice and during the spring semester asked how to approach a particularly troubling cheating incident. Two students (Dan Potter and Brian Pilsbury) enrolled in James's junior-level management information systems (MIS) course collaborated on the in-class midterm exam. Dan and Brian denied the accusation, but the evidence was incontrovertible and witnesses even came forth to corroborate that the two had worked together on one of the exam questions. James took this very seriously and as a result failed the students on this exam. While he initially contemplated failing them for the class, he believed the penalty was sufficient and would hopefully send a signal to fellow classmates about this unacceptable behavior. Scott agreed that this was a fair decision, one that was solely at James's discretion as instructor. Scott further advised, "You just need to realize that students will sometimes do this—they likely didn't study and were desperate to keep a high grade so they wouldn't get disqualified from the major and their sport team. Don't worry; your decision is spot on. Explain to them why this was inappropriate and give them a chance to earn your trust again."

James agreed, but always felt that the two students were uneasy with his decision. Both Dan and Brian neglected to meet with him about the cheating incident. They also regularly avoided eye contact with James in the campus union and often skipped class. He reached out to them during the middle of the semester to inquire about their seemingly distant behavior and even asked their academic advisers and coach to see if they wanted to discuss things further. To no avail; the students wanted nothing to do with James beyond satisfying the minimal requirements to pass the course.

### The Harassment Incident

One of the most challenging moments in James's young career occurred during the final week of that same spring semester. The day started as any other day. He sat in his office grading papers and answering e-mails. Students were submitting their final papers for the aforementioned MIS course and James noticed an e-mail from his student Dan Potter. He struggled in this course and James was anxious to see if he would show signs of improvement ever since the unfortunate cheating incident earlier in the semester. This was a breakthrough, as Dan cut off all communication during the last five weeks of the semester. James was frustrated to read that Dan felt like he was the victim of a false accusation. James's frustration soon turned to disbelief as he read the e-mail in its entirety:

—On 4/30/09 4:43 PM, "Daniel Potter" <potterd@xxxx.edu> wrote:

Here's my final paper. I wanted to just say some things about what happened earlier this semester with the exam. I think you totally misunderstood what happened. Brian and I didn't work together on the exam. I mean, really, do you think I'm that stupid? I wanted a good grade in this class and looks like it's not gonna happen because of you. You're gonna ruin my GPA! I'm furious and can't even look at you. You're nothing but a big faggot. Now you know why I haven't been in class. To think I'd cheat on such an easy exam is pretty ridiculous, but whatever . . . I'm over you and this class.

James quickly sat back in his chair and then stood up to look closely at the monitor saying aloud, "Why would he write such hate?" At first, James just could not get past the fact that a student actually sent such an e-mail to a professor. But, as he read it over and over again, he could feel his blood pressure rise. Anger swept over James as he thought about Dan purposely using such a pejorative slur and directing it toward him. As an openly gay man, James knew sexual orientation was a sensitive issue in this region of the country, but experiencing such hate on this college campus was unexpected, to say the least. This was quite upsetting and caused him a great deal of stress about how to approach this harassing act. James felt very threatened and unsure about how the student might respond later if confronted about the e-mail.

He walked over to Scott's office, but remembered that Scott was in a meeting with the provost. Dr. Anna Dyer, one of the other senior colleagues in the department, saw the distressed

look on James's face and inquired about what was going on: "Are you ok? You look really flushed and you're really shaking." James whispered, "Anna, you'll never believe what a student just sent me. I don't know what to do. I'm embarrassed, offended, and also a bit afraid."

Anna read the e-mail and with a confused look on her face said, "Are you kidding me? He didn't actually call you that, did he? You shouldn't feel embarrassed—if anything, I'd be enraged!" James reminded her about what had happened earlier in the semester with the exam and said, "I can't believe he'd say that; I mean, he realizes that this not only hurtful, but an awful and hate-filled way to express frustration about a grade. I can't let someone like this intimidate me, but he's obviously quite angry." James was visibly upset at this point and Anna told him to take a seat. She gave him some water and called the provost's assistant to see if Scott was still in the meeting. Just as she picked up the phone, he walked by James's office. Quietly, she said, "Scott, you need to come in here."

Anna closed the door and James sat quietly. Scott read the e-mail and quickly reacted loudly, yelling, "This is unacceptable and we need act immediately!" James was stunned and unsure how to approach the incident, but Scott calmed down enough to let him know that this must be treated carefully.

"Look, we should contact the provost for guidance. I'm pretty sure the harassment policy on campus covers this sort of hate and obvious intimidation. Has the student contacted you? Maybe he quickly hit the send button not realizing what he did? I know, that's not an excuse, but I'm curious as to whether he called you afterward." Still upset, James responded, "No, this just happened about 15-minutes ago. Do you think I should call him?" Scott was confident that they needed to first talk with the provost before any communication with the student occurred. "Hang in there, James, we're here for you and I'm going to call Ed [the provost] right away to see how we should proceed."

Ten minutes later, Scott told James that Ed would have the college's human resource (HR) officer, Christine Brown, contact him directly to discuss the options for moving forward. "They know this is serious and want to make sure you are protected." James responded, "Thanks, Scott. I'm just still amazed by all of this. I hope Dan isn't going to do anything violent." Both he and Scott immediately thought about the terrifying incident at Virginia Tech.

James left the office to go home for the evening. He was about to call his partner Ken, but was stopped by the HR officer in the hallway. Christine gently touched his arm and said, "James, I am sorry to hear what happened. We will get to the bottom of this and make sure you are protected. Know, of course, that we likely need to do an investigation into the incident. Our harassment policy is clear when it comes to sexual orientation, so know that we're here for you." James thanked her for the support and quick response, but asked, "Should I contact him or wait for you to start an investigation?" Christine said, "Here's the plan—I'll discuss the process with Ed and Angela [dean of students], but I do know that we'll

need to talk to all parties involved sooner rather than later. Can you please write a statement about what happened?" James responded, "Absolutely, but what if he calls or approaches me again?" Christine reassured him, telling him to just sit tight and let the administration take care of this unfortunate incident. "As with any harassment at the college, we really need to escalate this outside of the department; it's no longer a departmental matter, but rather the college needs to make an assessment and ensure all parties are protected. I'd ask that you just wait to hear from us."

After a difficult night with little rest and lots of tossing and turning, James awoke to an e-mail from Christine. She wanted to share the college's harassment policy (see Appendix B Exhibit 1) that outlined the specific steps through the process. James had two options at this point. He could either let the administration continue with their review and await a decision or move directly toward filing a case with the grievance committee, which was a group of appointed students, staff, and faculty. The college president would appoint the students and staff to the committee, while the faculty members were already elected. This body would essentially review the case and submit their recommendation to the college president, who would then render the final decision. James was overwhelmed, but knew it was probably wise to just let the administration handle the case for now. He spent the morning writing his statement about the incident.

He later called Scott to discuss the matter and they both agreed that the administration would treat this very seriously, so moving forward with the grievance was probably premature and likely unnecessary. James reflected on their conversation:

Scott was quick to point out, "There's no way I want to teach this student and I know you don't want to have him in the classroom again. I'll talk with the other department faculty about our official position on the case. In my opinion, Dan should no longer be a major let alone a student at this college."

James concurred, "Well, I'm still quite upset and just want this to be over. I guess the best thing to do is just let the administration move forward. I can't even face this student right now, but actually need to grade the assignment he attached to that e-mail."

"Why read it?" asked Scott. "I mean, he violated the academic honor code once again and should fail this assignment, period. I'm sure others in the department would agree." He read the honor code language aloud to James on the phone. "It clearly states that 'all students must act with honesty, consideration, and respect for others in all aspects of the course and in their written work and communications'—so, he explicitly violated the honor code. The assignment was included in an inflammatory e-mail directed at his instructor. Dan obviously deserves to fail this assignment."

"Scott, if he fails this final project combined with the mid-term fiasco, there's no way he'll pass the course," said James. "But, you are right, I have no choice—he violated the honor code AGAIN and shouldn't pass. Plus, this course is about managing technology in organizations and he obviously didn't learn from the lecture and readings on the human and ethical implications of technology use in the workplace." They both chuckled at the regrettable irony.

Later that day, Scott asked the department faculty to attend a special meeting to discuss this situation. He presented the facts

of the case and asked for a motion to officially support James and for a request that the administration, at a minimum, remove the student from the major, but preferably dismiss him from the college. Dan's academic adviser expressed concern for physical safety out of retribution by the student. Scott reassured everyone at the meeting that he was in touch with campus police and the dean of students, Angela Miller, about the incident and was told the student had been put on notice. They unanimously agreed on Scott's recommendation and also believed James's decision to fail the student was fair. James provided a breakdown of Dan's grades for the semester. By calculating the two failed assignments into the overall semester grade, he would receive an "F" in the course.

After the department meeting, James and Scott met with the provost to present the department's recommendation and to officially submit his statement. The provost reassured them that all of the evidence would be considered. He obviously could not pass judgment on the case since he would be part of the administrative review, but the provost did point out, "We treat all incidents of harassment seriously. I know Angela has asked for a similar statement by the student, so hopefully we'll come to a decision soon." Scott responded, "The department just hopes you take into consideration our views. We cannot and will not teach this student moving forward." The provost simply nodded his head and said, "We will take everything into account, Scott. Don't worry."

### The Initial Administration Response

A little over a week later, James came back from lunch with his colleagues to find a voicemail on his office phone. He listened to the message and was surprised to hear Dan apologizing for his shameful e-mail. "Dr. Michaels, I accidentally sent the e-mail. I'm sorry if it sounded like I was harassing you. I was just mad." Just as James hung up the phone, the provost called. "James, could you come to my office? The administrative review has completed and we'd like to share with you our decision." Suspicious about the timing of both calls, James left for the meeting. As he walked over to the executive offices, he wondered whether he was ready to accept Dan's apology. It was still so emotionally salient.

James sat at the provost's conference table across from the administrators, including Christine and Angela. Looking forward to some closure and justice, James welcomed the conversation:

Christine started, "James, thank you for coming. We would like to share with you our decision about this unfortunate incident. We agreed that this was harassment and believe that the student should learn from his actions. It is important, I'm sure you agree, that as an educational institution we make sure the student learns from his mistake."

James continued to listen intently as Angela discussed the sanction. "After talking with Dan, he is very upset and remorseful about what he said to you over e-mail. He understands that it was not only wrong, but also a serious violation of our harassment policy. We met with him earlier today and explained our decision. First, he would

need to apologize to you and your department. Second, he would be placed on probation. Any other violations of the academic honor code would result in an immediate suspension. Lastly, we've asked him to attend a training session on diversity facilitated by our student life team."

The provost sat there looking down at the table. He avoided eye contact with James and remained silent. After what seemed like an eternity, James responded in absolute astonishment to the outcome. He looked at both women and said, "You mean to tell me that he is getting a slap on the wrist for this obvious and purposeful harassment? Christine, you are an HR Director and I believe you teach HR management here at the college. If he acted like this in the workplace, he'd be fired. What are we teaching him?" Looking over at the provost, James said, "If I did this to a student, I assume I'd be fired." The provost shook his head in the affirmative.

Christine quickly responded, "I understand you are upset. We spent hours this morning reviewing the case and strongly feel that this is a teachable moment for Dan. We value you as a professor and realize the pain this has caused. I hope you understand that we also must consider Dan as student in an environment where he should be able to learn from his mistakes."

James interrupted. "Are you telling me that he wouldn't learn from being dismissed? Otherwise, your decision will clearly send a message to our campus community that this type of reprehensible behavior is acceptable. I can't believe you would discount the impact this has had. I thought our college was one that valued respect and separated itself from this sort of hate. I think many folks would be outraged by this decision. You really are just letting him get away with it."

He turned to the dean of students. "Angela [dean of students], with all due respect, this clearly deserves more than probation and a session on diversity. This student has violated not only the academic honor code, but as I understand it, he's also been removed from the dorms because of drug use. Is that correct?"

Angela confirmed this, but stated that their review of this case and subsequent decision could not include other unrelated incidents. She responded, "I take offense to your assertion that we are simply slapping him on the wrist. This is a serious violation of our policy and I stand by our decision to hold him accountable. You may not agree with the outcome, but rest assured that Dan would learn from this sanction soon enough."

James, unable to control his emotions at this point, said in an outburst, "This is simply unacceptable. You give me NO option other than to file a grievance. Obviously you didn't even consider my department's recommendation. How am I expected to teach this student? Look, this meeting will definitely strain my relationship with the administration. I know things are bad with respect to enrollment and retention, but simply keeping a student on board and discounting the needs of a faculty member to achieve some sort of 'appropriate' justice seems more than bizarre. This isn't just name-calling; Dan knew his words would have impact. I'm sure if this was harassment on the basis of gender or race, there would be a different outcome."

Christine snapped back sharply. "Absolutely not. And to suggest such is contrary to our beliefs. You are of course an important member of this community and we are taking this very seriously. You have every right to file the grievance, but don't think we are treating this differently than any other harassment case." She lowered her voice and said, "We all hope that you decide against moving forward and trust us here."

James replied in complete frustration. "Of course I'll move forward. Apparently your definition of 'inappropriate' or what deems as 'harassment' is skewed. I have no choice but to file the grievance. Hopefully the college community will recognize the severity of this incident, hold him fully accountable, and sanction him accordingly. Your decision needs to be overturned." James anxiously sat back in

his chair hoping to hear from the provost. “Can you please let me have the room with Provost Smith? Thanks.”

The two administrators quickly left the office. James could not understand why the provost remained silent. He looked directly at the provost and said, “Ed, what just happened here?” Seemingly sympathetic to James’s plight, Ed responded, “I understand your disgust with the result. The four of us spent all morning debating the outcome. The facts were clear and we came to agreement that the apology, probation, and diversity training were sufficient.” James quickly interrupted, “Um, the ‘four’ of you?” The provost quickly backpedaled, “Well, the president was in the room briefly. He knew some of the details and said that whatever we decided that you and the department deserved an apology. He was adamant that this happen.”

“Ed, I’m just so shocked that the administration wouldn’t stand by a faculty member over this repeat violator of the academic and social honor codes, let alone someone who has now harassed a professor. You know that once the faculty hear about this, there will be outrage.” The provost agreed that the faculty would likely be unhappy with this result. He apologized to James for this entire situation and reiterated Christine’s earlier statement. “You are one of our most talented new faculty members with a bright future. Whatever you decide with respect to the grievance, we will continue to value you here at the college.”

James thanked him, but internally questioned his sincerity. He shook the provost’s hand and left. On his way back to his office, James thought to himself, “Scott will not believe this outcome.” He was right. James stopped by Scott’s office where he and Anna were meeting. “I just met with the administration and you’ll never believe in your wildest dreams, or nightmares for that matter, what happened,” said James.

He told Scott and Anna what had transpired. They both agreed that the grievance should be filed. “I just am amazed how they ignored our recommendation,” said Anna. Scott encouraged James to meet with the ombudsperson<sup>3</sup> about the process moving forward. “Sandra Sanchez, our ombudsperson, should be able to give you guidance about the entire process, but you might want to ask her about the fact that the president was involved in this initial review. Isn’t he supposed to select some members of the grievance committee and make the final decision based on their recommendation? This smells dirty and at the very least a conflict of interest,” exclaimed Scott. James stood there with a blank stare on his face. He left Scott’s office and called the ombudsperson. After informing Sandra about the entire situation, she indeed questioned why the president was involved in the administrative review when it clearly stated his role in the policy statement. Nevertheless, she asked James to document everything and prepare his statement to the grievance committee.

He spent the rest of the afternoon drafting his letter to the committee. To rehash the experience was an emotional rollercoaster, but James knew he had to document everything. Later that evening, he e-mailed the draft to Scott to review. Shortly after, Scott sent back suggested edits and James e-mailed the

final version to the provost (see Appendix B Exhibit 2). James knew that once he filed the grievance that this entire situation would escalate. He went home that evening and said to Ken, “This has turned out to be a nightmare, but we’re going to fight it. This student has disrespected me and violated the very values that are shared by the entire community; I just hope others share my view. I have no clue what this will mean for me moving forward at the college. I love this place and can’t imagine being anywhere else, but this has definitely clouded my view of certain individuals.”

### The Grievance Committee Hearing

More than one month after the administration rendered their decision, James received an official letter from the presidential-appointed grievance committee chairperson stating that the hearing would begin in early July. It was during this period that James came to grips with the administration’s decision; he concluded that the college leadership simply did not understand the true significance of the harassment or the impact of their decision. He hoped the grievance committee would come to a different conclusion after the evidence was presented.

James recognized some names on the committee, especially the two faculty representatives. He believed they were unaware of the incident details, but James knew that staff and faculty began to learn about the case through the grapevine. As he and Scott walked to the conference room where the hearing was held, James commented, “I hope everyone is fair. This is such a precedent-setting decision for all involved.” Scott reassured him that these two faculty and the other committee members would definitely treat this as a confidential process with all of the necessary due process. However, he commented to James, “I just hope Bob [President] doesn’t involve himself at this stage of the game. They should be able to make their recommendation and I can only assume he’ll uphold it. I’m sure he has heard some of the grumblings by faculty about their initial decision.” James responded, “I hope so.”

The hearing room door opened and the chairperson invited them to enter. It was only 24 hours earlier that Dan had sat in the same room explaining the incident from his perspective and answering the committee’s questions. Dan submitted a written statement and read it aloud to those in attendance. Since both parties were made privy to their respective written statements before the hearing commenced, James learned a bit more about why Dan decided to spew such hateful language toward him on that fateful day. An excerpt from Dan’s statement follows:

I am very sorry for what I said in an e-mail to Dr. Michaels. It was not my intention to harass him based on his sexual orientation. As an athlete on campus who has done much for the team, I know how important it is to be truthful and treat others with respect. I believe strongly that I did not cheat in the incident that Dr. Michaels references in his written statement and I will forever stand by my position. I guess my emotions got the best of me when I turned in the final assignment that day; I was so angry and hurt that he would think I cheated. I now know how important it is to watch what you say to another person, especially regarding sexual orientation, even if

you don't agree with that person. To be completely honest, the term just didn't mean much to me since friends on the team and I use it all of the time joking around. I now know it's not right especially since some think it's a slur.

For the next hour, with Dan's justifications weighing on his mind, James would tell the story of not only the harassment incident, but also the disappointment in the way in which the administration handled the review and its subsequent decision. He respectfully requested that the committee overturn the administration's decision. In his closing remarks, James reminded them, "This student's behavior was offensive, but more importantly the consequences for his actions will set a precedent that will undermine the existing policy. Perpetrators of this hate will not be dissuaded by such a policy unless there are genuine, serious consequences. A policy without teeth has no bite—it's simply counterproductive."

At the conclusion of the hearing, the chairperson reminded him that they would hear all of the evidence and then submit a recommendation to the president. "Professor Michaels, we appreciate your time and patience. Understand, however, that the president has the final say. He will receive our recommendation within the next week and communicate directly with you regarding the outcome."

James and Scott both left the hearing with a positive outlook. The committee seemed sympathetic and their questions allowed James to paint a persuasive, real picture about the emotional impact. Recognizing that this was almost over, James commented to Scott, "If they don't find him in violation of the policy and dismiss him, I'm not sure what I'll do." Scott calmly replied, "James, you know as well as I do that the community supports you. This student has a pretty bad track record and they'll see the overarching context. If this doesn't turn out the way we want it, I'll be floored. Hell, that'll never happen . . . well, maybe when pigs fly." James laughed, but knew deep down that the president was a wild card. Yes, Bob was known to support the department, but the administrative review process and initial decision seemed to undercut his trustworthiness on this issue. Only time would tell whether Scott's prediction would play out.

### A Game Changer

Within a week, James received a letter from the president (see Appendix B Exhibit 3). He sat on the front steps of his home reading the letter to Ken. After some time thinking about the letter, he said to Ken in uncomfortable laughter, "I'd better call Scott to warn him about those flying pigs up in the sky." To James's continued disappointment, the president only partially upheld the grievance committee's recommendation.

He called Scott right away to discuss the president's decision. Scott said, "James, this can't be happening. What was he thinking? Let's get together right away to develop a strategy. I'll let our department colleagues know about this and we should probably see if the provost is available to discuss options." Before he left to meet Scott at the office, Ken irately

suggested to James he resign in protest. Recognizing how upsetting this was to Ken, James responded, "Look, we'll figure this out. I can't resign right now—we just bought a house and we know how horrible the market is right now! Plus, I can't let it end like this. There has to be a way to change things."

James jumped into the car and began the drive to campus. He soon became overcome by a deep sense of betrayal. He just kept reflecting on everything that had transpired this last month and trying to make sense of how and why the president decided not to dismiss the student and to encroach upon James's grade decision by seemingly accommodating the offending student's concerns. In the midst of navigating this very murky situation, James was certain of one thing—he couldn't stand by and let these injustices go unanswered. Yet he was unsure how to respond and who to approach for help. James arrived on campus eager, yet scared about what was to happen next.

### Case Question for Students

From James's perspective, he experienced not only homophobic harassment by a student, Daniel Potter, but also a variety of injustices resulting from decisions and actions by college officials during the harassment aftermath.

1. In what ways did Daniel Potter's actions and words violate the college harassment policy? Are there ways to consider that they were not in violation of that policy? Applying concepts and theories from Bolman and Deal's structural and symbolic frames, analyze and explain the harassment and ensuing disputes in this case.
2. What recommendations do you have for both James *and* the college president moving forward? Explain and describe in detail the specific strategies for the chosen course of action, using examples from the case and theories and concepts to support your recommendations.

### JAMES MICHAELS (B)<sup>4</sup>

As a victim of alleged homophobic harassment, James Michaels must now confront the decisions made by college officials, particularly President Jones, to manage the situation. In the continuation of this case, James solicits support from faculty colleagues to challenge the president's actions in terms of both the harassment decision and the mandate to reassess the offending student's course grade. In an unexpected turn of events, colleagues succumb to pressure by the president and senior faculty to reverse course in their support for James. In the end, he fails to secure a just and reasonable resolution to hold both the student and president accountable for their respective actions. Should James continue this battle or surrender to defeat? Students assigned this second part of the case are asked to determine the best course of action for James, now that the situation has once again shifted out of his favor.

## The President's Decision

James met Scott at his office ready to strategize on how to respond to President Jones's decision about the harassment case and the emerging challenge regarding the student's grade in the MIS course. He and Scott discussed the committee's recommendation and the president's decision in detail. First, the committee proposed that the student should be dismissed from the college. Second, they believed that another department faculty member should reassess the student's performance. In the president's decision letter, he states:

Without a doubt, this is an example of harassment as defined in the existing policy. After reviewing all of the evidence, I concur with portions of the committee's recommendations. First, I have informed the Dean of Students, Dr. Angela Miller, to suspend the student in question for one semester, which is more severe than the original sanction rendered by the administration. Along with the original sanctions imposed by the administrative review body, I believe this is a just punishment. Dismissal would be too extreme. Second, I agree with the committee's recommendation that the student's performance in the MIS course should be reassessed to ensure fairness to all parties. There may have been unintentional bias in the grading and we must also protect the student. Therefore, I have instructed the provost, Dr. Edward Smith, to work closely with the Department of Computer Science chairperson, Dr. Scott Ferradino, to this end.

Scott admitted to James that this was very damaging and would likely undercut any further attempts at seeking justice. "We must speak to the provost immediately. Yes, Dan will be suspended, but he'll remain a major. It'll be challenging for all of us to teach him, especially if some are afraid. But, to be honest James, this is more than about the harassment at this point. It's really about the president ignoring procedures and flexing his political muscle." Anna walked into the room to join the conversation. Scott asked Anna, a fellow member on the Faculty Executive Board (FEB), about the possibility that faculty rights were violated. They read her the letter and she immediately raised her eyebrows.

"There's a red flag," Anna exclaimed. "The administration cannot force the department to change the grade; there is an existing process by which students can appeal grades. It must go to the professor, department chair, and then the academic standards committee. Essentially, the president circumvented the entire process as stated in the college catalog and faculty handbook. That's just not his role. If he can do this now, there's nothing stopping the administration from stepping over the line in the future. We all know that grades are the purview of the faculty!" James sat there reflecting quietly as Anna and Scott discussed the implications of the president's decision. Yes, the sanction was not as severe as they wanted, but now the president seemed to be crossing the line in an entirely new direction.

Upset by what was going on, James loudly interrupted, "This seems so corrupt. He involved himself at the beginning of the process and now has violated our rights to assign grades. I am completely supportive of the grade appeal process and if the student wanted to appeal, I would have heard his argument. The student never reached out to me about this. Where is this coming

from?" Scott pointed out that the student must have discussed this in the grievance committee hearing. They were aware of the departmental support for James's decision to fail Dan on the assignment because of the honor code violation. "He must have convinced them that this was unfair because of possible bias. I don't necessarily agree, but that's the only thing I can think of at this point. Let's head over to Ed's office now to see if he can provide some clarification. I'm sure once the FEB hears about this, they will want to act," replied Scott. Anna concurred, but wanted to first hear what the provost had to say about a possible appeal. James was less than optimistic, as the harassment policy clearly stated that the president was the final arbiter.

The meeting with the provost resulted in even greater uncertainty about the entire situation. Scott and James both vehemently objected to the president's decision, but the provost reminded them that he could not comment. He understood their concerns, but calmly stated, "I don't believe you have the right to appeal at this point. There is no body for appeal. I must ask you, Scott, to work with me on reassessing the student's performance." James interrupted, "With all due respect, isn't this a further injustice? There is a grade appeal policy in place and the president simply ignored it." The provost agreed that this created a delicate situation and would discuss it further the president. That said, the provost replied, "James, I know this president and once he makes a decision, he rarely retreats. It is also critical for you to know that the president has been advised by legal counsel to avoid discussions on this matter with you or others in your department."

While the conversation with Ed underscored the president's likely strategy to hold firm in his decision, James and Scott left the meeting both disappointed and energized. As they walked back to the office determined to develop a strategy to hold the president accountable, Scott commented that this was not the end. "They can't do this. It's just not right."

## Responding With a New Strategy

The first faculty-wide meeting of the fall semester began with fervor. The new budget for the next fiscal year was announced at the start of the summer and it included a severe cut in faculty compensation, including a one-time decrease in salary and a permanent reduction in retirement benefits. The entire faculty was up in arms over these changes and demanded answers from the administration. James knew that Scott and Anna had spent the summer updating their fellow FEB members about the harassment case and ensuing decision by the president. However, with the fiscal problems, Scott and Anna both knew it would take some time for the FEB to take up the issue. This was not to say that faculty members were unsympathetic about the outcome, but the current chair of the FEB, Dr. Shawn Lynch, adamantly wanted to address the financial crisis first.

In the meantime, Anna and Scott received support by a majority of the FEB for a letter rebuking the president. They agreed that a letter would be drafted to share with the faculty before the November meeting. Anna informed James that the



FEB continued to have concern about the impact of the president's decision with respect to both the harassment sanction and the grade review mandate. Nevertheless, Shawn convinced some on the FEB to tone down the initial draft to exclude any words that would seem threatening of censure or even a rebuke. Rather, Shawn told his FEB colleagues, "We need to just put Bob on notice that he cannot cross the line, but more importantly we need to demand a policy change so this doesn't happen again." None of the FEB members disagreed, but Scott and Anna were both concerned that the draft would become too watered down. Behind the scenes, however, FEB members assured Scott that a weak letter would not pass a faculty vote.

In late November, Anna informed James that the letter would come to a vote at the coming Thursday faculty-wide meeting. On meeting day, he was nervous about how his colleagues would react, especially after some informal conversations before the meeting. Faculty from across disciplines agreed that he was wronged by both the student and the administration. However, some told James that the punishment was actually sufficient because previous instances of harassment were dismissed by the administration and in some cases the students in question were just placed on probation. Some saw the president's decision as a substantive change as compared to what was done in the past. Scott heard the same rationalizations, but told James and others, "Now is the time for us to take a stance and show the administration that harassing a faculty or staff member is wrong and needs a swift and appropriate response."

The draft letter was the first item for discussion on the agenda. The letter voiced disapproval about the president's sanction decision and grade review mandate. It also asked for a review of and change in the harassment policy to ensure that such conflicts of interest would be removed. Shawn asked James to give a brief synopsis of the event even though many already knew the details. Many in the audience were visibly upset by what James had to say; some even had tears in their eyes as James expressed his frustration and sadness. He thanked his colleagues for their support and specifically mentioned Anna, Scott, and members of the FEB. Shawn then displayed the draft letter on the projector and read it aloud to the audience. The reactions were surprising. One untenured junior faculty spoke up in support of stronger language. Other senior colleagues voiced similar concerns. Shawn asked the group whether the current letter should be amended and if so, to what degree. Faculty members requested significant edits to the letter.

With pressure from the attending faculty, Shawn reluctantly proposed the amended letter (see Appendix B Exhibit 4) for an immediate vote. James was elated with what transpired next. In a genuine show of support, the attending faculty unanimously voted to send the letter directly to the president with a copy sent to the provost. With a sense of finality in the air, Shawn did warn the faculty that the president would likely respond to this letter. For the moment, however, James felt relief. He thanked Shawn after the meeting concluded for bringing this to the floor. "I really appreciate the willingness of the FEB to tackle a

very sensitive issue at this time," James said. Shawn awkwardly smiled and reminded him, "This isn't over. Unfortunately, the president will take this as a rebuke even though that particular word wasn't used."

A week later, Scott received a disturbing call from Shawn. Apparently the president denied any responsibility for the grade review mandate and was threatening to take legal action against the faculty for character defamation due to libel and slander brought about by the letter and faculty-wide discussion. Scott asked James to come over to his office to clear things up and invited James and Anna to sit in on the meeting. Shawn started, "Look, the president is furious. He pulled me into his office after receiving the letter. He's telling me that the grievance committee made the decision and he just went along with it." Scott was furious. "Are you meaning to tell me that the buck doesn't stop at the president's desk? This is clearly an attempt to avoid responsibility. The harassment policy states that he makes the final decision based on the committee's recommendation. He could have easily said 'no' to the grade review. He didn't have a problem taking a softer approach to the harassment sanction, changing it from dismissal to suspension." Shawn agreed, but stated, "He is really upset and asking that we change the letter. If not, he said he would respond in kind to the entire faculty. I'm not sure what 'in kind' means, but with everything going on with the budget, this could be quite scary." Knowing that Shawn is a senior colleague with considerable clout, Anna carefully responded. "I appreciate what you are saying, Shawn, but why don't we just wait for him to respond in writing. He could just be bluffing." The discussion ensued and they finally agreed to let the president just respond to the letter.

The fall semester was coming to a close, so Scott and Anna were convinced the president would just wait until the spring to respond. James hoped that the president would actually just let the letter stand and not respond, but there seemed to be a surprise at every turn. He was preparing himself for anything.

### Winter Break

Unbeknownst to James and most faculty members, the FEB exchanged numerous e-mails over winter break regarding the president's demand for retraction. Shawn met on a number of occasions with the president during break. They both came to an agreement that more important issues could be addressed and this harassment case was an unfortunate distraction. If they pushed the president, at least from what Shawn perceived, unintended consequences might end up hurting the faculty. Scott and Anna both attempted to convince others that they should wait for an official response. "Why act now?" Scott asked his colleagues over e-mail. Shawn proposed that a new letter should be drafted by the FEB and sent out via e-mail to the entire faculty for approval. Anna was uneasy with this strategy as the faculty already unanimously approved the letter's language, given all of the relevant facts. "We can't just discount what was approved and send out a watered-down version that holds the grievance

committee responsible when they had zero decision authority.” While other FEB members voiced similar concerns, they sided with Shawn that this issue just needed to come to an end. The fiscal problems facing the college were going to result in possible furloughs and they wanted to focus their energy on more “important” items.

On a blustery afternoon in January, Shawn sent out an e-mail to the entire faculty requesting a retraction that would relieve the president of sole responsibility for the decision to reassess the student’s performance. He asked the faculty to review the letter and “if there were no responses in the negative, the new version would be sent to the president.” Two senior faculty members responded in the affirmative (see Appendix B Exhibit 5).

On an unseasonably cold January evening with a surprise snowfall in the forecast, James sat in front of his computer at his home office in complete amazement. It was not the winter weather that took his breath away, but rather the shocking e-mails from two senior faculty colleagues. He soon experienced a sharp pain in the pit of his stomach that can only be described as a toxic mix of anger and embarrassment. James had not felt this way since more than six months earlier when Dan harassed him using a homophobic epithet. Not only were these two colleagues absent from the faculty-wide meeting in November, they demanded that the FEB apologize to the president for any misinformation about his role in the process. One of the responding faculty members went even further with her comments:

It is unconscionable and a waste of time that something as benign as juvenile name-calling came to the level of the FEB. This should have been handled at the department level. To call this incident “harassment” belittles the real victims of hate in our society.

James sat at his desk late at night wondering what to do. James’s reflections on the preceding six months were flooded by questions second-guessing his actions. “Did I take this harassment case too far; should I have just accepted the president’s decision; how can I continue working in a community that disregards their espoused values of tolerance, diversity, and academic freedom; and now what should I do, if anything?” This was a devastating turn of events for James and his department colleagues. He suspected that some faculty members, especially the untenured junior faculty, would hold off responding because of potential backlash by the more senior colleagues. Yet he was holding out hope that someone would come to his defense. With a deep sense of loneliness, he sat at his desk afraid of what the next e-mails might bring, let alone the coming semester.

### Case Question for Students

James believes that he failed to secure a just and reasonable resolution to hold both the student and president accountable for their respective actions.

1. To what extent did the actions of the college president uphold or violate the requirements of procedural, distributive, or interactional justice? What frame(s) do you think the president used to guide his behavior and decisions in this case?

2. If you were the president, how would you apply Bolman and Deal’s Human Resource Frame to express your concerns about the written attack on James? Draft a revised “President’s Decision Letter” (Appendix B Exhibit 3) and propose other recommended actions.
3. What frame predominates in James’s grievance request? Considering the theories and concepts of this frame, what specific recommendations do you have for James to reach a satisfactory conclusion?
4. Using the Political Frame, analyze the conflict and power play in this case. How and why does this frame explain the actions of the various political actors? Applying the theories and concepts from this frame, what should James and the college president do to achieve their respective agendas?

### NOTES

1. This case was developed solely for student learning using critical thinking, theory application, and problem-solving skills in both written assignments and class discussions. This is neither an endorsement nor a reflection of effective or ineffective management practices. While this case is based on actual events, numerous aspects of the story are fictionalized to protect the confidentiality of persons and entities involved. The details presented in the case study are from the perspective of James Michaels (pseudonym). Instructors may wish to refer to the associated Teaching Note when assigning James Michaels (A) and (B) together.

2. See Appendix A Table A1 for a complete character list and Appendix A Table A2 for higher education terminology descriptions.

3. This appointed or elected member of an institution (faculty or staff) receives and investigates any policy-violating incidents made by others in the institution. This individual reports on any findings related to the investigation.

4. This case continues the story of James Michaels, an openly gay professor, who becomes victim of homophobic harassment. He soon finds himself subject to various injustices brought about by college officials as they attempt to solve this sensitive management challenge. As with James Michaels (A), the following is based on actual events, but numerous aspects of the story are fictionalized to protect the confidentiality of persons and entities involved. The details presented in the case study are from the perspective of James Michaels.

### APPENDIX A

TABLE A1  
Character list (in order of appearance in the case)

Name	Role
Dr. James Michaels	Assistant professor of computer science and protagonist
Dr. Scott Ferradino	Computer Science Department chairperson
Dr. Robert Jones	College President
Dr. Edward Smith	College provost, dean of faculty
Dan Potter	Offending student
Dr. Anna Dyer	Senior computer science faculty member
Christine Brown	Human resource officer
Dr. Angela Miller	Dean of students
Dr. Shawn Lynch	FEB chairperson and senior faculty member

TABLE A2  
Academic terminology

Terminology	Definition
Academic freedom	The freedom to study and teach ideas without fear of censorship, reprisal or termination. Often, this term involves decisions made by professors about what to include in the curriculum, how content is delivered, and how/why students are assessed in relation to academic performance.
Academic honor code	Many institutions hold students responsible for and accountable to upholding standards of integrity related to academic performance. This often includes, but is not limited to, plagiarism and behavioral conduct related to course material and relations with students, faculty, and staff.
Academic standards committee	This body is usually composed of elected faculty and appointed staff. It oversees all academic policies to ensure fair implementation; students and faculty can approach the committee with any propriety violations for review.
Administration	This is a general term that describes the team of decision makers, including the president and his senior staff. Here, we see the provost, dean of students, and human resource officer, among others.
Dean of students	Typically, this official leads the student life aspects of the college experience, including student activities and residential planning. This individual is sometimes called the “vice-president of student affairs.”
Department chairperson	This individual is typically a senior faculty member with years of experience as a professor in a specific discipline/academic department. In some instances, the chair is appointed by the provost and/or elected by his fellow department members for a fixed period of time.
Faculty executive board (FEB)	This body is composed of a select number of faculty members, elected by peers, to serve a fixed number of years. It helps develop the agenda for the entire faculty and communicates such issues, concerns, and solutions to the administration for review. This body also works closely with the provost to ensure academic and faculty personnel policies are upheld and amended if necessary. In some institutions, this body is called the “faculty senate.”
FEB chairperson	Typically, this is an elected senior faculty member who serves as leader of the FEB for a fixed term. This leader of the faculty communicates directly with the provost, president, and other members of the administration on behalf of the faculty. In some institutions, this individual is called the “senate president.”
Grievance	A term describing an official complaint against specific action, including a decision or behavior.
Ombudsperson	This appointed or elected member of an institution (faculty or staff) receives and investigates any policy-violating incidents made by others in the institution. This individual reports on any findings related to the investigation.
President	Usually this official is appointed by an internal board to lead the institution; the president is the executive and chief officer entrusted with setting the agenda and direction for the institution. Often this individual is also called the “chancellor” or “chief executive officer.”
Provost	This chief academic officer is appointed by the president and oversees all aspects of the institution’s academic affairs. In many institutions, the provost was once or currently is a professor with appropriate credentials; this individual is sometimes called the “dean of faculty” and/or “vice-president of academic affairs.”
Staff	This is a general term that describes all nonfaculty individuals in an academic institution.
Tenure	This term describes the status achieved by an individual (usually a professor) after having successfully completed a trial period of employment. After a detailed review of contributions to both the individual’s institution and academic discipline, tenure may be granted. This will often protect the individual from termination without just cause; it protects professors in cases where they disagree with authority or engage in scholarship that is outside the mainstream.

## APPENDIX B

### Exhibit 1: College Harassment Policy

Abridged Harassment Policy at XXXX College (as of April 2009)

**Purpose:** To establish guidelines governing the prohibition harassment by members of the XXXX College community.

**Definitions:** Harassment: An attempt to demean, intimidate, or abuse another individual or to create a hostile or offensive environment on the basis of another's sex, race, color, sexual orientation, religion, age, disability, national origin, or any classification currently protected under federal, state or local anti-discrimination statutes.

**Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal, written, or physical conduct of a sexual nature that takes place under any of the following circumstances:

- a) When submission to such conduct is made, explicitly or implicitly, a term or condition of an individual's employment or participation in an education program;
- b) When submission to or rejection of such conduct by an individual is used by the offender as the basis for making personnel or educational decisions affecting the individual subject to sexual advances; or
- c) When such conduct has the purpose or effect of unreasonably interfering with the individual's work and/or academic performance or creating an intimidating, hostile, or offensive work or educational environment.

The following are examples of unlawful harassment:

- Unwelcome sexual advances. This includes patting, pinching, brushing up against, hugging, kissing, fondling, or any other similar physical contact considered unwelcome by another individual;
- Requests or demands for sexual favors. This includes subtle or blatant pressures or requests for sexual favors accompanied by an implied or

stated promise of preferential treatment or negative consequence concerning one's employment status, or educational evaluation or record;

- Verbal abuse that is sexually oriented and considered unwelcome by another individual. This includes commenting about an individual's body or appearance where such comments are beyond mere courtesy; telling "dirty jokes" that are clearly unwelcome and considered offensive by others or any other tasteless, sexually oriented comments, innuendoes, or actions that offend others;
- Engaging in sexually-oriented conduct that would unreasonably interfere with another's academic or work performance. This includes extending unwanted sexual attention to someone that reduces personal productivity or time available to work at assigned tasks; or
- Creating a work or learning environment that is intimidating, hostile or offensive because of unwelcome sexually oriented conversations, suggestions, requests, demands, or physical contact.

**General Policy:**

XXXX College affirms the principle that its faculty, staff, and students have the right to be free from harassment by any member of the XXXX College community. The College is committed to the creation and maintenance of an academic and work environment in which all persons who participate in College programs and activities can do so in an atmosphere free from all forms of harassment on the basis of the characteristics described above.

There will be no adverse action against any individual for reporting an incident of harassment, or for participating in or cooperating with an investigation of an alleged incident.

Any individual who believes that she/he has been subject to harassment should report such conduct promptly, using the appropriate complaint procedure outlined below. All complaints of harassment will be investigated as appropriate. Confidentiality will be preserved consistent with applicable laws and the College's responsibility to investigate and address such complaints.

It is the intention of the College to take whatever action may be needed to prevent, correct, and, if necessary, discipline behavior which violates this policy. Any individual who is determined to have committed

actions of harassment will be subject to appropriate disciplinary action, as described below.

#### Operating Bodies:

- I. Ombudsperson: The President of XXXX College will appoint a staff member to the position of Ombudsperson, and this position will be clearly identified to the College community. The Ombudsperson shall receive such training in and education about policies and practices designed to eliminate harassment as is necessary to be well prepared for her/his responsibilities. The Ombudsperson will disseminate information to the College community regarding the harassment policy, what harassment is, what the individual can do, and where to go for help, and will coordinate educational programs on such topics for the College at large.
- II. Grievance Boards: The President of XXXX College will appoint staff employees and students, and the faculty shall elect faculty members, to a standing College Grievance Board to receive complaints by faculty, staff, students and others of harassment. Faculty will elect faculty members to a standing Faculty Grievance Board to receive complaints of harassment by faculty members. All members of the College community are expected to cooperate fully with both grievance boards and with College officials.

#### Operating Procedures:

##### I. Complaints.

- A. Reporting Complaints: Any member of the College community who believes that she/he has been the victim of harassment should report their belief to the responsible College official. The “responsible College official” is designated as follows:
  1. Students: Students should report acts of harassment to the Human Resources Officer or Dean of Students.
  2. Staff: Staff should report acts of harassment to the Human Resources Officer.
  3. Faculty: Faculty should report acts of harassment to the Human Resources Officer or the Provost.
- B. Investigation: The responsible official or her/his designee shall refer the matter to the appropriate grievance board for an investigation, as set out

below. The responsible official may also conduct (or direct) an investigation as appropriate to the particular circumstances.

- C. Any member of the College community who believes that she/he has been the victim of harassment by a faculty member may bring the matter to the attention of the responsible official designated by the College to handle such complaints.
- D. After an initial meeting with the responsible official, the complainant should submit a written statement to the responsible official. This written statement should contain the following information: date(s), specifics of incident(s), and names of witnesses. The responsible official will inform the alleged offender of the allegation and of the identity of the complainant. The responsible official will give a written statement of the complaint to both parties. If the complainant has failed to provide a written statement, the responsible official may proceed in accordance with the procedure below—in such cases, a written summary of the allegations will be provided to the alleged offender. Every effort will be made to protect the complainant from adverse acts committed in retaliation for her/his having made the complaint.
- E. The responsible official may attempt to effect informally an acceptable resolution, if appropriate. In all instances, however, the responsible official shall inform the President or her/his designee of the complaint; the President or her/his designee reserves the right to conduct an inquiry or investigation, as appropriate.
- F. The responsible official shall promptly notify the chairperson of the appropriate grievance board of the complaint and shall transmit the written statement (or, in cases where no written statement was provided, the written summary) or other materials provided by the complainant to the chairperson.
  - i. The grievance board will make recommendations to the President or her/his designee of any corrective action or sanctions it deems appropriate.
  - ii. The President or her/his designee will inform the grievance board of the final disposition of complaints referred to her/him.
  - iii. If, following the inquiry or investigation, the President determines that

action is warranted, the President, or the President's designee, will proceed with appropriate discipline or other corrective action. Review of proposed discipline of staff or students will be available as provided in the Staff Manual or Student Handbook, as appropriate. Review of proposed discipline of a faculty member will be available as provided in the Faculty Code. The President shall be authorized to take actions she/he deems appropriate against persons who are not College faculty, staff, or students, including, but not limited to, administrators, and there shall be no review available except at the President's discretion.

#### Additional Information:

The President will, from time to time, consult with the Ombudsperson and/or responsible officials on general policy and procedural issues related to harassment and may receive from the Ombudsperson and/or responsible officials recommendations on such issues, including the prevention of such incidents of harassment.

#### Exhibit 2: Grievance Request

May 9, 2009

Dr. Edward Smith  
Provost and Dean of Faculty

Dear Dr. Smith,

It is with great sadness that I submit this letter. On April 30, 2009, I was a victim of intentional harassment by Daniel Potter, a current computer science major. An administrative review has been conducted and a decision was rendered on May 8, 2009. Based on the act itself, its impact on my personal and professional well-being, and my rights as a faculty member, I am formally requesting a grievance hearing in accordance with the Harassment Policy. Please accept this as my official statement to the grievance board.

On April 30, 2009, I received an e-mail from Daniel Potter (see attached). He sent me a written assignment for the management information systems (CSMGT 380). Members of my department, including Professors Ferradino and Dyer, read this e-mail. Our initial reaction was shock and disappointment. We found this to be insulting and incredulous. Personally, I was very upset, angered, and offended by this blatant act of disrespect and intimidation. I was

and still am humiliated and demeaned. The term "faggot" resonates on a very personal level. The fact that the student purposefully used the term "faggot" is disconcerting and offensive. I am homosexual and quite comfortable with myself. Overall, I believe our school is a welcoming home, but his words reflect great hate and intolerance. He acted upon that hate in a repulsive manner.

In accordance with existing policy, this clearly is harassment and should be dealt with appropriately and justly. The policy states, "XXXX College affirms the principle that its faculty, staff, and students have the right to be free from harassment by any member of the community." Unfortunately, my rights have been violated and I have become the victim of harassment based on my sexual orientation.

To give you context, Daniel was implicated in a cheating incident earlier this semester with his classmate, Brian Pilsbury. The two collaborated on their final exam, which was an intentional violation of the XXXX College Academic Honor Code. As a result of this despicable and disrespectful act, I failed them both on the exam. He avoided any meetings to discuss the incident. During this semester, I would see Daniel in class or in the hallway. I would say hello or smile, but he would not look at me or respond. There was no correspondence from him that expressed respect or gratitude. I assume he was angry because of the abovementioned situation. Nevertheless, I found his behavior immature. This speaks to a pattern of hostile behavior that gives great context to the current situation.

On May 1, 2009, the Department of Computer Science recommended a course of action to the administration that we believe would have allowed for a "teachable moment" given the severe nature of this harassment. Based on the administrative review and recommendation, I strongly believe that a grievance board consisting of faculty, staff and students should hear this case. The Department fully concurs. Simply placing the student on probation, requiring an apology, mandating attendance to counseling or a program on diversity, are insufficient to say the least. More importantly, there is currently no satisfactory resolution for me as the victim. Based on the college catalog and the administrative decision, he will remain a major and student in our Department.

He obviously does not share the same values as those held by the college community. Daniel's actions are representative of hate and intolerance; he intentionally harassed me and caused considerable, undue stress in the workplace. As a faculty member, I should be

protected from this behavior. My partner and I, along with my colleagues, now question my physical safety. While we have no evidence to suggest Daniel would act out in rage, we cannot discount the fact that his hatred and intolerance may be fuel for a more explosive reaction, especially given the pattern of behavior exhibited this semester.

This is unacceptable and the individual should no longer be part of this community. I expect nothing less than a punitive sanction. What will he learn otherwise? The current sanction suggests that in the “real world” Daniel would be placed on probation and required to participate in a seminar on diversity. That is highly unlikely. We are not preparing him for organizational reality. At the end of the day, the current sanction will be a disservice to all of us, including the student. Why should he remain a student at XXXX College? Is he worthy of a XXXX degree? I suggest not. We should expect nothing less than zero tolerance for harassment.

In relation to his current status in CSMGT 380, I have decided a reasonable course of action. The final paper was attached to an e-mail that was harassing in nature. It is now part of an academic record and in violation of the academic honor code. The code states that, “all students must act with honesty, consideration, and respect for others in all aspects of the course and in their written work and communications.” His hateful and disrespectful e-mail is a direct violation of this code. Given the hostile environment created by the student, I will not be grading his current paper or any forthcoming work associated with the course. Therefore, he will receive an “F” in the class based on the two zeros calculated into the final grade. He has every right to appeal my decision.

Unfortunately, I can only conclude that the administration is unaware that their decision could have public relations and political consequences, both internally and externally, for the college. Gay rights groups, current and future students and faculty rights groups would likely find this decision unacceptable. I once thought I could be a member of this community for my entire professional life. The treatment by the administration suggests that I may not be welcome. This is very upsetting.

In closing, I want to thank you for reviewing my statement and participating in the administrative review. If the abovementioned concerns cannot be addressed, my hand will be forced to seek legal guidance to ensure appropriate closure. I prefer an internal review process and deliberation. I hope the grievance board finds that the harassing behavior is completely unacceptable. I also hope that the grievance board recommends an appropriate and just sanction that

would bring complete closure. If you require further information for the grievance board, please do not hesitate to contact me.

Sincerely,

James S. Michaels, Ph.D.  
Assistant Professor  
Department of Computer Science

### Exhibit 3: President’s Decision Letter

XXXX COLLEGE  
OFFICE OF THE PRESIDENT

To: Dr. James Michaels  
Assistant Professor  
Department of Computer Science

CC: Grievance Committee;  
Dr. Edward Smith, Provost and Dean of Faculty

From: Dr. Robert Jones  
President

Date: June 15, 2009

I have completed my review of the recommendations submitted to by the Administrative Review Committee and the Grievance Board regarding the alleged harassment charge against Daniel Potter, an undergraduate computer science major. Without a doubt, this is an example of harassment as defined in the existing policy. While both bodies differed with respect to the sanction, the following provides the most just solution to this unfortunate situation.

After reviewing all of the evidence, I concur with portions of the grievance committee’s recommendations. First, I have informed the Dean of Students, Dr. Angela Miller, to suspend the student in question for one semester, which is more severe than the original sanction rendered by the administration. Along with the original sanctions imposed by the administrative review body, I believe this is a just punishment. Dismissal would be too extreme. Second, I agree with the committee’s recommendation that the student’s performance in the MIS course should be reassessed to ensure fairness to all parties. There may have been unintentional bias in the grading and we must also protect the student. Therefore, I have instructed the provost, Dr. Edward Smith, to work closely with the Department of Computer Science chairperson, Dr. Scott Ferradino, to this end.

This investigation has been exhaustive and your cooperation has been exemplary. I want to thank you and all

involved parties involved for the difficult, but important work that you have been engaged in regarding this matter.

#### Exhibit 4: Faculty Response to the President

XXXX COLLEGE  
FACULTY EXECUTIVE BOARD (FEB)

To: Dr. Robert Jones  
President

CC: Dr. Edward Smith  
Provost and Dean of Faculty

From: XXXX College Faculty

Date: November 30, 2009

The full faculty recently reviewed the unconscionable series of injustices committed against Dr. James Michaels. We strongly disagree with your decision to overturn the Grievance Committee's recommendation to dismiss the student in question and opt for a less severe sanction in the form of a temporary suspension. The gravity of this harassment deserves a just response.

It is also the opinion of the faculty that you circumvented existing college policy and acted inappropriately outside your role. We are disappointed by your actions and wish to remind you that grades are the purview of the faculty and not the administration.

Lastly, we recommend that the administration review the existing harassment policy to ensure any perceived or actual conflicts of interest are removed. Additionally, the administration should consider adding minimum sanctions and a zero-tolerance amendment to ensure that students, staff, and faculty are reasonably protected moving forward.

#### Exhibit 5: E-Mails in Support of Retraction

—On 01/07/10 4:43 PM, "XXXXXX XXXXXX-XX, Ph.D." <xxxxxxx@xxx.edu> wrote: Fellow Faculty members,

It seems clear that the president was not at fault and we should apologize. We should send a letter of censure to the Grievance Committee—and be done with it. I'm disappointed that it has risen to the level of the full faculty and FEB. I support the retraction and encourage Shawn to send a new letter immediately.

Regards,  
-XXXXX

—On 01/07/10 6:02 PM, "XX XXXXXX, Ph.D." <xxxxxxx@xxx.edu> wrote:  
Colleagues,

I usually do not agree with XXXX, as you all know. However, in this matter, I must concede that he and Shawn are both correct.

Everything I know about this situation indicates that it is an instance of name-calling by an immature, bigoted student who was stupid enough to send the e-mail. It is unconscionable and a waste of time that something as benign as juvenile name-calling came to the level of the FEB. This should have been handled at the department level. To call this incident "harassment" belittles the real victims of hate in our society.

In any case, I know of more than one faculty member who hesitated to speak up at the last Faculty meeting for fear of being considered insensitive or homophobic, or because they were not privy to all the previous discussions. I suggest we apologize to the president and that we end this whirlwind of useless effort.

-XXXXX

#### ABOUT THE AUTHOR

**Micheal T. Stratton**, PhD, is Assistant Professor of Management in the Department of Management and Accountancy at the University of North Carolina Asheville. He completed his doctoral work in public administration and organizational behavior at the Nelson A. Rockefeller College of Public Affairs and Policy at the University Albany, State University of New York. His research interests include management pedagogy, emotions in the workplace, electronic monitoring, bureaucratic politics, and qualitative methodology.