

**ARTS & SCIENCES****Barbara A. Schaal***Mary-Dell Chilton Distinguished Professor**Dean of the Faculty of Arts & Sciences*

October 2, 2014

Edward Greenberg

American Association of University Professors

Washington University Chapter

Re: Jeffrey Kurtzman

Dear Professor Greenberg:

I am in receipt of your committee's September 29 letter requesting that I review grievance review procedures employed nearly twenty years ago. That matter has been reviewed repeatedly by multiple faculty committees, governmental agencies and courts. The procedures followed by the University have repeatedly been found by those bodies to have been appropriate and in accordance with University policy. To summarize:

- In 1995, Provost Macias wrote to Professor Kurtzman informing him of the procedures that would be followed in investigating the complaint against him. Those procedures were followed with the acquiescence of Professor Kurtzman and his attorney, who represented him at all times during the internal proceedings. At no time did Professor Kurtzman or his counsel ever oppose or object to the investigative procedures or request some other process or the involvement of some other committee. On the contrary, Professor Kurtzman has admitted that the allegations were "thoroughly investigated" by the University.
- Following the Provost's decision, Professor Kurtzman filed multiple appeals with the Advisory Committee on Tenure and Academic Freedom concerning the investigation and decision. The Advisory Committee rejected his appeals, concluding that the procedures were "thorough and fair" and in accordance with University policy.
- Professor Kurtzman subsequently filed a complaint with the Equal Employment Opportunity Commission; the EEOC dismissed his complaint. In May 1996, Professor Kurtzman then filed his first lawsuit in federal court alleging, among other things, violations of procedural and due process rights. He challenged the sanctions imposed by the Provost and every aspect of the University's pre- and post-sanction internal procedures. The district judge granted summary judgment to the University and dismissed Professor Kurtzman's complaint, finding among other things that the University had acted in a procedurally appropriate manner. After appeal by Professor Kurtzman, the Eighth Circuit Court of Appeals unanimously affirmed the district court's rulings.

- In December 1997, following another EEOC complaint that was dismissed, Professor Kurtzman filed a second lawsuit in federal court. Again, the court granted summary judgment to the University and dismissed his complaint.
- In May 1999, Professor Kurtzman filed a third EEOC complaint, which the agency dismissed.
- In September 2005, Professor Kurtzman filed another academic freedom grievance with the Advisory Committee on Tenure and Academic Freedom. The Committee again dismissed his grievance, finding that it “has been addressed using appropriate procedures on several previous occasions through university grievance processes” and that “no significant new evidence appears to have arisen that warrants a reconsideration of the findings of those previous grievance committees,” and thus concluded that no academic freedom violation had occurred.
- Also in September 2005, Professor Kurtzman filed a fourth EEOC complaint, which again was dismissed.

As that summary reflects, Prof. Kurtzman’s post-hoc complaint that the University did not follow appropriate procedures has been repeatedly rejected by the Advisory Committee, by the Senate Council, by the EEOC, by the United States District Court, and by the United States Court of Appeals. Under those circumstances, I respectfully decline to reconsider that two-decade-old and well-settled matter.

Sincerely,



Barbara A. Schaal