

# THE CHRONICLE OF HIGHER EDUCATION

## Faculty

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### A Test Case for Sexual Harassment

The U. of Colorado's philosophy department wanted to be seen as more welcoming to women. The plan backfired.

*By Robin Wilson*  
Boulder, Colo.

**P**hilosophy professors at the University of Colorado's flagship campus here thought they were taking a bold step.

They wanted to help solve their field's longstanding problems over the treatment of women and find ways to improve the climate on their own campus.

But instead, the philosophy department's decision to invite an outside review has left it struggling to survive after the investigators **concluded** it was rife with "inappropriate, sexualized unprofessional behavior."

In the last year, administrators have removed the department's chairman, halted graduate admissions in the field, moved to fire a tenured professor, suspended two others, and opened an investigation into yet one more.

As a result, Boulder has become emblematic of everything that's wrong with philosophy departments today and of a discipline whose levels of incivility, critics charge, make it unwelcoming to women.

It's a label both male and female scholars here say is unfair. While some believe the department had a problem with sexual harassment, they say it was not nearly as widespread as the outside review portrayed. Further, the philosophy department is

ranked in the top 25 nationwide by the [Philosophical Gourmet Report](#) and was long considered the darling of the humanities here. Philosophy professors worry that the reaction to the review—completed last fall by a panel of the American Philosophical Association’s Committee on the Status of Women—may now destroy the department.

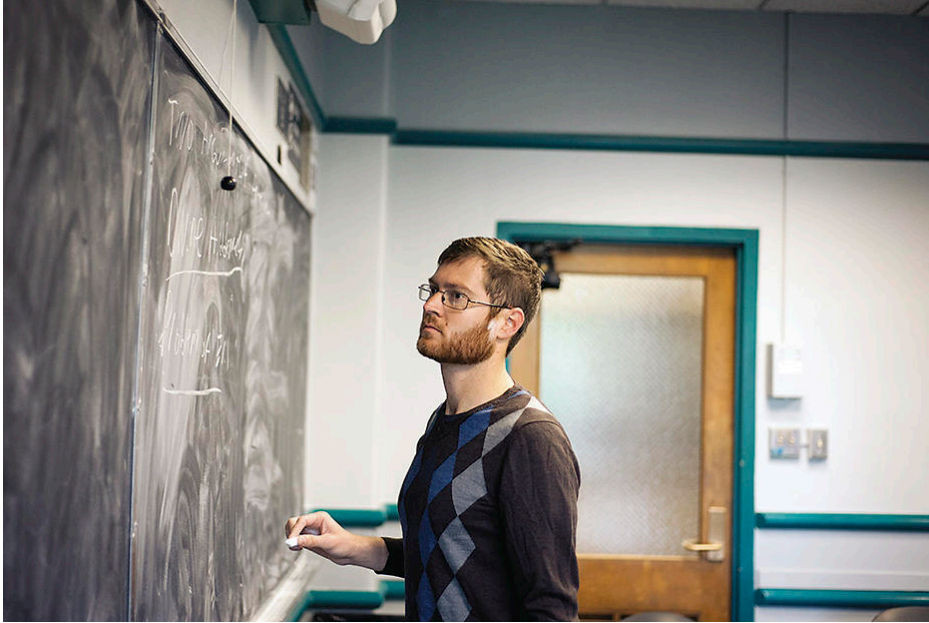
Even the head of that national committee says Boulder’s philosophers are right to be concerned. "I don’t expect a department that has a deeply cold climate for women, and has had for years, to be able to clean it up in a year and without a fair amount of pain," says Hilde Lindemann, a philosophy professor at Michigan State University. "But I dare say they are fighting for their lives."

University administrators here say it was necessary to take a hard line to solve the department’s significant problems. And they believe the department has made some progress in tackling the concerns over sexual harassment. As a result, just last week the university announced it would reinstate graduate-student admissions in philosophy for the next academic year.

"This has obviously been a well-documented national problem in philosophy departments, and the dean and the chancellor felt it was time to take a definitive set of actions to set this department on the proper course," Bronson Hilliard, a university spokesman, said this year after administrators made the review public. "The point is to tackle this problem head on and change the entire culture of the department."

Many professors here, however, say the charges against philosophy are a trumped-up way for Boulder’s administrators to look tough on sexual harassment. The university is one of 84 being investigated by the U.S. Education Department for complaints that they inadequately responded to allegations of sexual violence and harassment under the gender-equity law known as Title IX.

A committee of the Boulder Faculty Association approved a motion this summer that criticized university administrators for punishing the male philosophers. It said the university's action "shows blatant disregard for the rights, interests, and well-being of its faculty."



Theo Stroomer for The Chronicle

Spencer Case, a philosophy doctoral student, says the department's problems have hijacked his education: "We used to always talk philosophy. Now at least a third of the conversation is about what's going to happen to this department."

Some graduate students here are also bitter, saying that the focus on sexual harassment has hijacked their education. "We used to always talk philosophy," says Spencer Case, a doctoral student. "Now at least a third of the conversation is about what's going to happen to this department."

Philosophy has become **ground zero** in the battle against sexual harassment in higher education. Fewer than one in five full-time professors in the discipline are female, the smallest proportion in any of the humanities nationwide. **High-profile** sexual-harassment cases against professors at the University of Miami and at Northwestern University have attracted national

attention and sparked widespread debate about how the discipline can become more hospitable to women.

But no philosophy department has been harder hit by fallout from allegations of harassment than Colorado's. The Committee on the Status of Women made Boulder the first location for a new site-visit program, which is aimed at gauging the campus climate for women. The committee started the program after senior women in the field had complained for years that widespread discrimination and harassment were dissuading young women from becoming philosophers and hurting the careers of women already in the field.



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Carol Cleland says the philosophy department invited an external review because some professors thought serious gender problems were being ignored. "I thought it would be constructive criticism," she says, "and I thought we could go through it as a department and do what we could to improve the situation."

Carol Cleland, a longtime tenured philosophy professor at Boulder, says the department invited the committee because some professors believed the department faced serious gender problems that were being ignored.

"I thought it would be constructive criticism," Ms. Cleland says, "and I thought we could go through it as a department and do what we could to improve the situation."

From a scholarly standpoint, Boulder's department is regarded as among the best. Its program in applied ethics is [ranked](#) in the top half-dozen nationwide, and it is known for its work in epistemology and metaphysics. Of its 23 tenured and tenure-track professors, four are female, a proportion that is near the national average.

The three female philosophers who visited Boulder early last fall as part of the review interviewed professors, students, and administrators. The committee [issued](#) its scathing 15-page report in November. It said that women had filed 15 complaints with the university's Office of Discrimination and Harassment since 2007 and that female graduate students reported feeling anxious and demoralized.

Many incidents of alleged harassment, the report said, occurred off campus and after hours while faculty members and graduate students socialized over alcohol. Female faculty members reported working from home to avoid their male colleagues.

Almost no one here recognized the portrait of the department.

Six women with ties to the department, including the tenured female philosophers, [issued a statement](#) earlier this year saying that harassment and discrimination were the exception at Boulder, not the rule. "We are all distressed," they said, "that the report may damage the reputations of male colleagues who are completely innocent of sexual misconduct."



[A Campus Sex-Assault Primer](#)

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Now, almost a year after the site visit, the department still feels like it is "in the fog of war," says Michael E. Zimmerman, a professor of philosophy who came here eight years ago from Tulane University after Hurricane Katrina. The tension and stress of working here is one of the reasons Mr. Zimmerman says he plans to retire at the end of this academic year.

He sees the department serving as an unwelcome kind of national example: "We are the poster child now," he says, "for how not to run a department."

Professors, who are reeling from the shock of all the blows the department has suffered, are scrambling to help it regain its balance.

They remain divided over how significant a problem sexual harassment ever was here, even as they seek to make changes that will respond to the report's charges of harassment and incivility and regain the trust of administrators.

Meanwhile, male professors at Boulder feel particularly besieged. "They made it sound like we all barely have our pants on at work, like we can't wait to see who the new girls are," Dan Kaufman, an associate professor of philosophy, says of the report. In the last year, the administration has punished three tenured philosophers, including Mr. Kaufman, and is investigating a fourth.

First, last fall, the university suspended Robert Hanna for a semester without pay after he was accused of sending sexually explicit emails propositioning both a female faculty member and a female graduate student, professors here say. Mr. Hanna, a professor, did not return messages asking for comment, and university administrators would not talk about the situation.

Then last winter, Mr. Kaufman told the department's interim chairman, J. Andrew Cowell, a joke that university officials considered threatening. After Mr. Cowell asked Mr. Kaufman—who suffers from depression and had been granted an accommodation under the Americans With Disabilities Act—about whether Mr. Kaufman was suicidal, Mr. Kaufman says he alluded to a classic philosophical conundrum: He said he wouldn't kill himself, he was sure Mr. Cowell wouldn't kill him, and he wouldn't kill Mr. Cowell, unless Mr. Cowell were truly evil, like Adolf Hitler. Two weeks later, in early March, campus police officers escorted Mr. Kaufman from his classroom, and he was suspended.

University administrators told Mr. Kaufman the joke was only one way in which he had been uncivil and threatening to colleagues and students over the last several years. The professor, who is back teaching this semester, has filed a \$2-million claim against the university charging it with defamation and with discrimination under the disabilities law.

This academic year, the university has targeted two associate professors of philosophy: David Barnett and Bradley Monton. It is investigating Mr. Monton for allegations that he violated the university's policy prohibiting faculty members from having romantic relationships with students they supervise. (Mr. Monton would not talk about the charge with *The Chronicle*.) And the president has moved to fire Mr. Barnett, who has taught at Boulder for about a decade. He would be only the fourth tenured faculty member ever fired here.





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David Barnett was accused of retaliating against a female graduate student after he challenged the university's conclusion that she had been sexually assaulted by a fellow student. Mr. Barnett could be fired.

The university has charged Mr. Barnett with retaliating against a female graduate student in the department who said a male graduate student sexually assaulted her. The university's Office of Discrimination and Harassment found the male student responsible, and the university, which had not known about the assault allegations and had subsequently hired him as an instructor, did not renew his contract. Mr. Barnett wrote a report to university officials saying that the evidence did not support the female student's allegations and that the Office of Discrimination and Harassment had misrepresented what happened. "It is a case of egregious, widespread, and systematic misrepresentation of evidence in order to bias an investigation in favor of a conclusion



that is clearly not supported by the totality of evidence," Mr. Barnett said in an email message to university officials.

But the administration decided it was Mr. Barnett who was out of line, and [in a video](#) this August, Boulder's chancellor, Philip P. DiStefano, said the university had paid \$825,000 to the female student to settle her complaint of retaliation. The chancellor said settling with her was not only "the right thing to do" but is part of a series of actions to move the campus ahead on Title IX compliance.

Mr. Barnett, whose lawyer says the professor considers himself a whistle-blower, will face a hearing before faculty members on the university's Privilege and Tenure Committee in December.

In a statement to *The Chronicle*, Mr. DiStefano defended the university's actions against professors in philosophy. "The University of Colorado is not scapegoating any of its faculty, nor is it disregarding the rights of any of its faculty members, who have full recourse to the Privilege and Tenure process," he said. "Holding faculty accountable when they fail to abide by their professional responsibilities is necessary, and anyone who would suggest otherwise is mistaken."



Theo Stroomer for The Chronicle

Mi-Kyoung Lee led a panel that recommended new rules for faculty behavior. "People thought sexual harassment was pervasive here, and it's not," she says. But "we'd gotten into some bad habits."

In the midst of the personnel actions, some professors here have decided that the quickest way to get the department back on track is to approve a wide-ranging set of "best practices" regarding faculty behavior. "People thought sexual harassment was pervasive here, and it's not," says Mi-Kyoung Lee, an associate professor who led a faculty committee that proposed the new recommendations. The real problem, she says, was that "we'd gotten into some bad habits." That included, she says, ignoring unprofessional behavior from colleagues and passing it off with excuses like, "Oh, that's just so-and-so, don't take it personally."

"We kind of needed a reset," she says.

So, last semester Ms. Lee's committee recommended that faculty members steer clear of overly familiar relationships with students both on social media and in person, saying professors should not date any students in philosophy, even if they don't supervise them. As a result, some professors here have unfriended students on Facebook. The committee also said professors should ensure that classroom discussion is gender balanced and that male students aren't allowed to talk over female ones.

The committee recommended no alcohol at department events and said most gatherings should be held during working hours and outside of private homes. When the department had a reception this semester after a colloquium on the work of one of its female professors, the wine that typically would have been served was missing.

"The department is trying to send a message that we're super

professional," says Mr. Cowell, a professor of linguistics who took over in February as interim chairman of philosophy.

Ms. Lee's committee also recommended that faculty members stop sending mass emails to their departmental colleagues because some of those messages have sounded uncivil and unprofessional. Professors who want to send a mass email now must send it through Mr. Cowell for his review. (As a result, many faculty members hold their discussions over private email accounts.)

Professors have agreed that if a conversation veers into a potentially offensive topic or someone begins telling an off-color joke, other professors can interrupt with a safe word: "Nixon." So far, says Mr. Cowell, it hasn't been used.

**I**t isn't clear yet whether the new rules will isolate Boulder and set it even further apart from its peers or help it regain its reputation. But the actions have caused one welcomed response: The resumption of graduate-student admissions. "I am impressed by the number and scope of the measures ... and the way in which the faculty and staff in the department have worked hard, and continue to work, to build a positive environment for learning and teaching," Mr. DiStefano said in a statement last week. "This step reflects the progress they have made."

Some professors, both in the department and elsewhere, however, have chafed at the rules and consider them dangerous and invasive, a desperate attempt to appease administrators.

Don M. Eron, who retired last academic year as a senior instructor in the university's program on writing and rhetoric, is treasurer of the Boulder chapter of the American Association of University Professors. He says the revised practices could have a "chilling effect" on faculty behavior.

"This is all being done under enormous pressure from the

administration," he says. "I'm afraid CU is going to be a bellwether in which universities prosecute these cases at the expense of the due-process rights of faculty."

Brian Leiter, a professor of law and philosophy at the University of Chicago who started the Philosophical Gourmet Report rankings, says the drama surrounding faculty cases here has already damaged the department's reputation. "All you ever hear about Colorado is who's suing the university, who's being fired by the university, and who's being disciplined by the university."

Mr. Leiter says that can't be good for recruitment of either new faculty members or graduate students. "Something I've heard from more than one philosopher is: 'Gee, I would have really liked a job at Boulder, but not now,'" says Mr. Leiter.

The philosophical association's Committee on the Status of Women has made visits to four other philosophy departments since its inaugural one at Boulder, with none of the same fallout. Neither the sites nor the reports on those visits have been made public.

Ms. Lindemann, who leads the Committee on the Status of Women, says Boulder administrators may have mishandled matters by publicizing the results and by taking such a hard line in attempting to remedy the situation.

"There can be a kind of overcompensation," she says. "A zero-tolerance mentality that kicks in by the administration. If in trying to fix the problems, an administration swings too far in the other direction, it's going to exacerbate the problem and create a backlash."

But Paul Chinowsky, a professor of civil engineering who heads the Boulder Faculty Association, says perhaps social media and other communication have allowed faculty members to become too informal with students and it is time for a readjustment. "For too

long we have let the line of professionalism between faculty and students blur," he says.

When he was a graduate student in the late 1980s, says Mr. Chinowsky, he had to go through an administrative assistant to make an appointment with his faculty adviser. Now professors and graduate students frequently keep up a steady stream of texts and emails. "The pressure to publish and get grants keeps going up so you don't have the luxury of being gone from your Ph.D. student for two months," he says.

Since the report came out, professors at Boulder are being more careful in their interactions with students. Some told *The Chronicle* they have been reluctant to cover topics in the classroom that touch on sexuality or other subjects that could be considered sensitive or offensive to students.

"I tell jokes that are relevant to the material in order to have a relaxed atmosphere in the classroom," says Michael Tooley, a philosophy professor who is teaching an ethics class this semester that covers sexual morality. "But now I can very well imagine them being reported, and then a complaint filed against me."

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## **Suspensions, Less Booze at Parties, and an Unlikely 'Safe Word'**

### **The Charges**

The American Philosophical Association's Committee on the Status of Women found that the University of Colorado at Boulder's philosophy department had maintained an environment "with unacceptable sexual harassment, inappropriate sexualized unprofessional behavior, and divisive uncivil behavior." The committee sent a three-person panel to Boulder early last fall. In a report, the panel found that female faculty members had responded to the problems by "working

from home, dropping out of departmental life, and avoiding socializing with colleagues."

Female graduate students reported "being anxious, demoralized, and depressed," said the panel. And male graduate students "worried that they will be tainted by the national reputation of the department as being hostile to women."

### **The Ramifications**

To the surprise of professors who believed the committee's findings were confidential, administrators [made the report public](#) in January. The university [reacted](#) to the findings by replacing the philosophy chairman with an interim head from outside the department, and suspending graduate-student admissions in the field. It also canceled summer and winter seminars for undergraduates interested in Boulder's philosophy Ph.D. program.


The same semester the panel visited Boulder, the university suspended a professor without pay for allegedly sending sexually inappropriate email messages to a female professor and a female graduate student. Since then, the university also has suspended an associate professor after he told what was considered a threatening joke, and it has started proceedings to fire another associate professor who objected to the outcome of a sexual-assault charge against a former male graduate student. It is investigating a fourth tenured professor for allegedly violating a policy that curtails romantic relationships between professors and students.

### **The Response**


The department has published a list of "best practices" that recommend professors try to keep classroom discussions respectful and gender balanced, so that male students don't interrupt female ones. It says faculty members in philosophy


should not date any students in the department and should "consider making a policy of not adding current graduate students in the program to their social-network groups." Department social events should be alcohol-free and held in public locations on the campus.

Professors in the department also agreed that if some of them were having a discussion and someone began making an offensive comment or telling an off-color joke, other faculty members would use a safe word—"Nixon"—to interrupt the discussion and get it back on course. Last week administrators said the department's response represented progress and the university would resume graduate-student admissions next academic year.

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**chuckle** · a day ago  
 Home remodeling is always disruptive, often in unexpected ways. Once you're done, though, people are proud to show it off.  
 18 ^ | ▾ · Reply · Share ›

**complit2013** · a day ago  
 Oh, how sad, they invited an inquiry and actually got one. How oedipal (in the pre-Freudian sense) of them.  
 12 ^ | ▾ · Reply · Share ›

**andythebouncer** → **complit2013** · a day ago  
 What I think they're really angry about is the administration's departure from the traditional academic institutional response to these sorts of sticky situations. I'm sure they would have been perfectly happy with an actual inquiry if the results were spoken about in hushed tones, at a single meeting, which did not single out any of the guilty, (maybe except for one that was too much of a liability not to fire,) instead addressing the group on a whole, delivering behavioral "concerns" (as opposed to misbehaviors or crimes,) in complement sandwiches, so nobody's feathers would get too ruffled. They would then ponderously deliberate over a useless policy document for people to ignore, so they could claim to be taking the issue seriously without actually changing anything.

I'm sure the process wasn't perfect, and the administration's response