

Copy for Dissemination

Executive Order No. 664

Attachment 1

Complaint of Retaliation for Reporting Improper Governmental Activities

Section 8547.12 of the Government Code forbids retaliation by any employee of the California State University against employees or applicants for employment for disclosing allegations of improper government activities. Allegations of such retaliation may be filed with the Vice Chancellor of Human Resources and Operations, Office of the Chancellor, 400 Golden Shore, Long Beach, CA 90802-4275.

Please provide all requested information. **Incomplete forms will not be reviewed.**

Name: Patricia Ann Washington

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Check One: Employee
Title: Assistant Professor, Department of Women's Studies

Applicant for employment
Position applied for

Details Regarding The Alleged Improper Governmental Activity And Actions Taken That Constitute Alleged Retaliation

Introduction:

I am the only full-time Black tenure-track faculty member to be hired in the 30-year history of the Women's Studies Department at San Diego State University (SDSU). I was hired as an assistant professor in that department in 1996. Until Fall 2000 (when an Asian-American female was selected for a joint appointment at the assistant professor level), I remained the only non-White tenure-track (or tenured) faculty member in the Women's Studies Department. Additionally, I understand that, counting myself, there are currently only 21 Black tenured or tenure-track faculty members—total—at San Diego State University.

I believe I have been subjected to a racially hostile work environment in violation of both state and federal law and subsequently retaliated against for objecting to such treatment.

I have been subjected to an ongoing and continuous pattern of offensive and intimidating behaviors since Spring 1997, the totality of which has created an intolerable work situation. I have repeatedly sought both informal and formal assistance in stopping ongoing and ever-worsening acts of retaliation since May 3, 1999. However, in keeping with the statute of limitations stipulated by Executive Order No. 664, I am presently including only the most recent incidents as the subject of this complaint.

Nevertheless, it is important to understand the continuing nature of this conduct and to not interpret the events occurring within the stipulated timeframe as individual or isolated. In fact, almost immediately after I started my first semester at SDSU (Fall 1996), it became clear to me that my survival as a faculty member in the Women's Studies Department depended on my not doing anything to disturb the status quo. For instance, in response to my questioning actions I believed to be inequitable, I was told by my unofficial departmental mentor that if I wanted to succeed, I would need to "put [my] ethics in [my] pocket." When I approached this same mentor about my discomfort at being called at home by a member of my RTP committee who made repeated sexual overtures, she dismissed my concerns with, "Oh, she does that to every body" and then recounted the number of times this colleague had called her at home while drunk. As time went on this same individual also told me, "I know you are trying to figure out who is working against you and who is not; but if you decide that I am the enemy, you can forget it [tenure]." There are numerous other examples of offensive and intimidating behaviors that individually and/or cumulatively created a hostile work environment for me. One of the most egregious examples occurred on or around April 28, 1999, when the Chair of the Department, Susan Cayleff, mandated that I seek professional counseling because I successfully challenged her unfair and discriminatory efforts to eliminate a highly qualified graduate student of color (**Student A**) from consideration for a teaching assignment that the Chair wanted to go to an unqualified White graduate student (**Student B**). The Chair characterized my defense of the graduate student of color as "uncollegial" and told me I was "too fixated on rules" because I objected to different criteria being applied to the student of color than to the White students being considered for teaching assignments. This blatant and discriminatory abuse of power led me to attempt to file a grievance on May 3, 1999 (see Appendix I: Attachment to the California State University Individual Grievance Form, Unit 3). I noted in the grievance (pages 4-5): "The Chair's mandate is an act of retaliation that constitutes yet one more instance of the hostile environment I experience in the Women's Studies Department. In this particular instance, I am being punished for challenging an action that I found discriminatory." However, the grievance was not accepted, ostensibly because the Chair was a fellow union member and not my "boss." Although the Chair made several attempts to coerce me into meeting with EAP after the April 28th meeting, a trusted colleague cautioned me not to act on the Chair's demands without a written directive. The Chair eventually became exasperated with my responses that I would need her mandate in writing and stated, "There will be no paper trail." She then retreated from her original position, stating, "I am not ordering you to go as your Chair; I am recommending you go as your friend." This sanitized version of the Chair's mandate is in sharp contrast to what was told to me on April 28th, when the Chair said that she had contacted

appropriate University officials to confirm that she had the right to mandate that I go to EAP—that she “was going by the book on this.”

My attempt to grieve the incident of April 28, 1999 marked the beginning of numerous efforts to seek relief outside the department for the increasingly hostile work environment that I continued to experience in Women’s Studies. It also marked the beginning of an ever-worsening pattern of retaliation from a department that prides itself on being a closed and self-protective community that has mastered the art of damage control.¹

Background to Incidents Occurring within the Last Year:

On Monday, April 3, 2000, I was falsely accused by Susan Cayleff, the Chair of the Women’s Studies Department, of attempting to “sabotage” a regional conference coordinated by the department. My “offense” was agreeing to the request of the Chair of another Department to facilitate the conference keynoter’s attendance at a reception he was hosting during the speaker’s free time. Susan Cayleff ordered me to have no contact with the speaker, even though she is a personal friend of mine. Two days later, she changed my Fall 2000 teaching schedule and room assignments, suggesting that if I did not accept the change, I would lose use of the “Smart” classrooms around which I had designed my courses.

Because of the timing, as well as past experience (including the April 28, 1999 incident detailed above), I believed the Chair’s actions to be retaliatory. When I responded that I would delay making a decision about the proposed schedule changes until I had an opportunity to discuss the matter with the Dean of Arts and Letters (Paul Strand), the Chair then raised additional false accusations against me to the Associate Vice President for Faculty Affairs (Dean O. Popp). These accusations and my responses to them (along with supporting documentation) [**not included**] : Responses to Charges Conveyed to Me by Dean O. Popp, Associate Vice President for Faculty Affairs. My written responses to the Chair’s accusations included references to my belief that I was being subjected to

¹ See Jones, Kathleen. 2000. *Living Between Danger and Love*. N.J.: Rutgers University Press. In a chapter fittingly entitled “Secrets,” Professor Jones, the senior colleague who served as the Chair of my departmental RTP committee for AY2000-2001, describes SDSU’s Women’s Studies Department as “a self-policed enclave” whose members have “guarded our own small territory of legitimacy, wary of the criticism of legions who would have preferred—and still do prefer—that we not exist at all” (149). Interestingly, Professor Jones follows this description of the closed and self-protective environment in Women’s Studies with an account of “a very unpleasant, nearly uncontainable, incident” involving an SDSU Women’s Studies faculty member who was battered by her female student lover. Professor Jones concludes the story by stating that someone helped the battered faculty member “find a way out. With her life, but not with tenure, intact. Well, there are standards, after all. And it’s safer if she goes away” (p. 153). I believe that Professor Jones’ rendering of this account, in conjunction with her depiction of the self-protective and closed environment in Women’s Studies, is relevant to my experiences in the department. While my situation is vastly different from the faculty member in Professor Jones’ account, I believe that my practice of questioning inequities (and bringing them to public view) is also regarded as “very unpleasant, nearly uncontainable.” I believe I threaten Women’s Studies “small territory of legitimacy” by refusing to “put my ethics in my pocket” and by raising questions about inequitable and discriminatory practices. Therefore, as with the faculty member in Professor Jones’ account, “it’s safer if [I go] ... away.” I believe that the ongoing and continuous pattern of hostile and intimidating behaviors, as well as the Chair’s escalating acts of retaliation, are designed precisely to make me “go away.”

racial stereotypes and targeted for certain behaviors because of my race (see pages 5-8 of the above-referenced response).

Having heard nothing regarding the disposition of the Chair's accusations against me and not wanting these false claims to go unresolved, I met with Dean Paul Strand during the second week of May, 2000 to request an independent mediation. This request was ostensibly granted, and on May 15, 2000, I attended a mediation conference with the other members of my department. The meeting began, however, with the "mediator" disclosing that she was a personal friend of the Dean who would be acting solely as a "facilitator," and not as a mediator, after all. Thereafter, the meeting deteriorated, with several senior colleagues shouting at me and accusing me of being intimidating and disrespectful. Four of my senior colleagues (Cayleff, Jones, Espin, and Watson) seized upon my written and oral reference to possible racial discrimination to state that they would no longer serve on my RTP (renewal, tenure, promotion) committee, for fear of being accused of discrimination. Professor Espin went so far as to threaten Dean Strand with imminent retirement if she had to serve on my committee, and Professor Jones, a former associate dean, told Dean Strand that he needed to do something [about me] because she was not "going to put up with this shit." The Chair also used the occasion to tell me that if I wished to stay in a department where no one spoke to me, that was my choice.

In addition to this unmediated meeting where I was subjected to unchecked verbal attacks, the upshot of my attempts to mitigate an increasingly hostile work environment and to seek administrative intervention to end the Chair's escalating pattern of retaliation against me was that (1) the Chair recast her false accusations against me as unwarranted allegations against her and (2) the Dean tacitly endorsed the Chair's recreation of events and urged me to alter my behavior. [**not included**] In other words, there was no investigation into the merits of the Chair's accusations against me, nor into the merits of my responses to those accusations (including my description of an increasingly hostile work environment and ever-worsening acts of retaliation). Moreover, there was no administrative intervention to ensure that my workplace was free of harassment and discrimination, nor any effort to ensure that I would be protected from retaliation for raising the issue of unlawful harassment and discrimination. Instead, the Chair was simply allowed to falsely cast me as "the problem" and to usurp the role of injured party by stating that she was "stunned and hurt by [my] allegations of 'harassment and retaliation.'" [At this point, having tried repeatedly, without success, to get relief from this intolerable situation, I retained an attorney.]

Less than two months later, I received notification that the Women's Studies Departmental Personnel Committee had been constituted for the 2000/2001 RTP process. Three of the four designated committee members, including the person selected as committee Chair, were among the four senior faculty members who had stated in the May meeting that they refused to serve on my RTP committee because of my written and oral reference to racial discrimination. Fearing that the Women's Studies Departmental Personnel Committee would be unable to evaluate my work objectively and also fearing that the Department Chair, who submits a separate review of my file, would use the

occasion of the RTP process to retaliate against me, I sent a letter to Dean Paul Strand (copied to university officials at all administrative levels), stating:

“Given the totality of events leading up to the May 15, 2000 meeting, the meeting itself, and my repeated unsuccessful efforts to seek administrative remedy for the hostile environment that exists for me in the Women’s Studies Department, I do not believe that any Women’s Studies Department faculty member should be entrusted with reviewing my file for 6th year renewal or representing that file to other RTP committees in any manner. While I understand that members of the Women’s Studies faculty have the expertise to evaluate my work, I have no confidence that they will, in fact, render a fair and impartial evaluation of that work.” (See Appendix IV: Letter to Paul Strand, dated September 25, 2000.)

Dean Strand’s response was essentially that the RTP process is “fair” and to “alter this established ... process for [me] ... is not in the best interest of [me], the department or the University.” (See Appendix V: Letter from Paul Strand, dated October 9, 2000).

Retaliatory Uses of the RTP Process

Despite the Dean’s assurances that the RTP process is “fair,” my concerns about retaliation have been, and continue to be, objectively realized. Both the Women’s Studies Departmental Personnel Committee and the Department Chair wrote highly inflammatory and unsupported reviews of my teaching effectiveness and professional growth that were designed to damage me professionally. (Their reviews and my rebuttals to them appear as Appendix VI.) In both substance and tone, the reviews I received this year deviate significantly from reviews I have received in previous years. (See Appendix VII: Previous Reviews by Departmental Personnel Committee and Chair.) While many of the Committee’s and the Chair’s attempts to undermine my accomplishment are subtle (conveyed through word-choice, placement, proportion, emphasis, etc.), many are quite overt. Some of the more overt components of the Committee’s and the Chair’s reviews that I regard to be retaliatory are the following:

- Issues surrounding my ongoing attempts to mitigate an increasingly hostile environment and to seek administrative relief from the Chair’s escalating pattern of retaliation against me were inappropriately introduced into my RTP process. For instance, the Personnel Committee concluded its review letter with the statement, “... your PAF contains correspondence from the Dean of the College to you urging you to improve the spirit of collegiality between you and members of your department which has been jeopardized by your actions in the past.” The correspondence referenced is the June 19, 2000 letter from Dean Paul Strand that appears as Appendix III, and the actions with which I supposedly “jeopardized” my standing in the department were my protests against discriminatory and retaliatory treatment of myself and others.
- The Chair developed and applied, ad hoc, a new and untested criterion (the “issue of students’ voluntary disenrollment”) to evaluate my individual performance in the area of teaching effectiveness. Neither departmental nor university RTP procedures cite

(or remotely suggest) student retention/attrition (or relative FTEs) as evidence of teaching effectiveness.

- Both the Committee and the Chair stated in their reviews that my teaching effectiveness “does not meet the standards set by the Department of Women’s Studies” (see Chair’s letter, page 3, paragraph 3), despite the fact that my overall teaching scores (the only measure of teaching effectiveness historically used by the department) are in keeping with departmental averages (based on a 5-point scale, my overall scores were 4.16 and 4.23, while departmental averages were 4.22 and 4.32), and despite the fact that my individual numerical scores exceeded the departmental average in three out of the five courses I taught during the relevant review period.
- Both the Committee and the Chair imposed new, non-specific (and, I believe, retaliatory) standards for measuring my performance in the area of professional growth. While the University RTP procedures are silent on the number of “externally reviewed” publications required for tenure, the Women’s Studies Department RTP procedures stipulate, “**at least three refereed scholarly publications** since appointment to SDSU normally will be necessary for recommendation for tenure and promotion to associate professor” (emphasis added). (See Appendix VIII: Women’s Studies Department Procedure for Reappointment, Tenure, Promotion and Review of Faculty. See also my first review by the Department Personnel Committee, included in Appendix VII, where I am specifically told on the top of page 3: “**You should work toward the goal of having a minimum of three quality refereed articles accepted for publication, as part of a balanced overall record of professional activity, before your review for tenure and promotion.**”) Since my appointment in 1996, I have had eight (8) refereed articles accepted for publication. Seven (7) of the articles had already been accepted at the time of the Departmental Personnel Committee’s and the Chair’s reviews.

Acceptance rates for the journals publishing my articles range from 11% to 27%, with the majority being around the 18th percentile. Moreover, all journals accepting my articles for publication are on the National Women’s Studies Association Task Force list of “scholarly journals in the field of Women’s Studies.” Nevertheless, the Departmental Personnel Committee has stated that my publications record is “only minimally satisfactory” and that it has “serious reservations about whether [I] will meet the university’s standards in the area of professional development” [sic]. The Chair has stated similarly that my publications record neither meets the standards set by the University, nor “the criteria set by the Department for our faculty in order to receive tenure.”

Both the Committee’s and the Chair’s reviews signal a hostile (and retaliatory) shift from previous review periods, where my refereed publications have been characterized variously as “an excellent example of using personal experience as a source for theorizing” (“First You Got to Use What’s Lying Around the House’: Some Personal Reflections on Affirmative Action and White Feminism,” *NWSA Journal*, Fall 1998); “solidly grounded in the scholarship about building citizenship through community involvement” (“From College Classroom to Community Action,” *Feminist Teacher*, 2000); “a solid piece” (“Second Assault of Male Survivors of

Sexual Violence,” *Journal of Interpersonal Violence*, July 1999); “a strong article” (“Disclosure Patterns of Black Female Sexual Assault Survivors,” forthcoming in *Violence Against Women*), and “a solidly researched review of the secondary literature” (“Who Gets to Drink from the Fountain of Freedom: Homophobia in Communities of Color,” forthcoming as a dual publication in the *Journal of Lesbian and Gay Social Services* and in a Harrington Park Press monograph).

It is clear that the Chair, in particular, is pursuing an agenda of retaliation against me by attempting to undermine, rather than objectively evaluate, my work. For instance, during the last review period, the Chair went so far as to telephone the editors of refereed journals that had accepted my articles for publication to see “why” they had done so. [This was relayed to me by the editor for one of my community-based service learning articles, and the Chair herself referred in her review to having a “conversation with the senior editor” for my article on homophobia in communities of color (see top of page 4).] The Chair even went to the extreme of counting “scholarly endnotes,” as well as in-text citations, in order to show that two of my already externally reviewed articles were not “rigorous scholarship” (see middle of page 3 to top of page 4).

Even more indicative of the Chair’s agenda of retaliation against me is her radically different evaluations—from one year to the next—of one of my refereed articles, “From College Classroom to Community Action.” This article was recently published by *Feminist Teacher*, a highly respected journal in the field of Women’s Studies with an acceptance rate of 18.5%. In her first review of the article, dated November 10, 1999, the Chair notes that the article “discusses the value of service learning and uses your classes’ experiences as the data.” She continues, “It is solidly grounded in the scholarship about building citizenship through community involvement.” It would appear from this assessment that, in 1999, the Chair believed that the *Feminist Teacher* article met departmental standards. At that time, she characterized it as “research-based” (using students’ experiences “as the data”) and “solidly grounded in the scholarship...” However, in her review of November 15, 2000—after I expressed my concerns about discrimination—the Chair reversed this positive evaluation. What was previously a research-based article that “uses your classes’ experiences as the data” now became “a recounting, largely through your own interpretive voice and students’ lengthy transcribed comments, about the value and outcomes of [a] Conference.” What was previously considered “solidly grounded in the scholarship about building citizenship through community involvement” was now characterized as unscholarly because, “only pages 3 (two), 4 (three) and 5 (one) contain scholarly citations; the remaining 25 pages are experiential narrative.” To ensure that I would not miss the intent of her radically altered view of my work, the Chair concluded her quantification of citations by saying, “Women’s studies as a field has long valued experiential knowledge, but scholarship and analytic depth are also necessary.” Clearly, the Chair has said completely different things about the exact same article, and the only thing that has changed between 1999 and 2000 is my registering a legitimate complaint of discrimination and the resulting retaliatory action on the part of the Chair.

Retaliatory Handling of Student Complaints

The Chair is also retaliating against me in her handling of student complaints. I would argue that it is the rare faculty member who does not fall out of favor with some students or even incur intense dislike. According to the SDSU Faculty Handbook given to me when I was appointed in 1996, student grievances against faculty “should be resolved at the lowest possible level.” In fact, 13.1 of Section C of the Handbook stipulates: “Students claiming a grievance against a member of the faculty, administration, or staff should be encouraged to attempt resolution directly with that person. Department Chairs or appropriate departmental committees may be able to assist.” (See Appendix IX for a copy of the relevant text.)

In the ten semesters I have been at SDSU, I have **never** had a formal student complaint filed against me. **Since November 20, 2000, I have had two.** In both instances, the Chair elected neither to resolve the complaints “at the lowest possible level,” nor to encourage the students to “attempt resolution directly” with me. Instead, in both instances the Chair elected to escalate informal complaints to the highest level of formality.

On November 20, 2000, the Chair sent me a letter summarizing a complaint from a student, [**Student C**], who accused me of discrimination on the basis of disability. Without benefit of an investigation, or even requesting information from me, the Chair placed this letter in my official personnel file, “so that you will know . . . that I consider this incident as reported to me to be unprofessional behavior on your part.” (See . . . Susan Cayleff’s Letter of November 20, 2000 and my response.) During the week of November 27, I took the initiative to meet with the Chair and Associate Dean Carol Swedler-Brown to explain that the complaining student had willfully misinterpreted a statement about disability parking that had been made in the context of a lecture on disability issues (I even produced an outline used for the lecture, as well as notes documenting **Student C’s** repeated attempt to disrupt the class). Although Ms. Swedler-Brown volunteered that the contested statement appeared to have been a legitimate attempt to encourage students to examine stereotypes about people with disabilities, and acknowledged that faculty have the right to reassert control over their classes, the upshot of the meeting was that I should “write a rebuttal” to the Chair’s letter for inclusion in my personnel file as well.

On January 2, Susan Cayleff wrote me another letter, this time enclosing a “formal complaint” from [**Student C’s friend and classmate, Student D**]. (See Appendix XI: Susan Cayleff’s Letter of January 2, 2001, with **Student D’s** attachment.) Once again, without benefit of an investigation or even a request for information from me, the Chair accepted the student’s rendition of events and advised me that she would be placing a copy of her letter and the student’s uncorroborated statement in my official personnel file. According to Professor Cayleff, **Student D** wrote her letter of December 12th after a

telephone discussion with the Chair on November 28—over one (1) month prior to the time she first contacted me regarding the student’s complaint. Despite the scarcity of details in either the Chair’s written account to me or Student D’s attached statement, there was—in addition to the November 28th telephone conference and the December 12th letter—a December 14th meeting between **Student D**, the Women Studies’ Chair and the administrative coordinator for the Department (who was “taking notes of the entire conversation”) for “well over an hour.” In other words, there were at least three (3) intensive points of contact between the Chair and **Student D** regarding me. However, up until January 3rd, I had no notice of any complaint, any conversation, or any meeting between **Student D** and the Chair. The Chair simply allowed a concern to escalate in **Student D’s** mind over a five-week period without giving me the opportunity to address the situation or to meet with a neutral third party. I believe that the Chair negligently elevated an “oral gripe” to the level of a formal written complaint out of retaliation.

Having failed in my efforts to get administrative intervention from SDSU regarding the Chair’s mishandling of **Student C’s** complaint (as evidenced by the Chair’s subsequent mishandling of the **Student D** complaint), I sought assistance from my attorney, who notified University President Stephen Weber on January 5, 2001, that I was seeking relief from the Chair’s escalating pattern of harassment and retaliation [**Not included**]

Without administrative intervention, I continue to be subject to the Chair’s willful abuse of power. It has become clear to me that the Chair’s handling of **Student C** and **Student D** complaints is a deliberate attempt to manufacture a paper trail against me and to instigate or fuel student discontent. I also believe that it is part of a deliberate attempt to keep me in a constantly reactive mode, where I am so busy writing rebuttals and defending my reputation that I cannot devote my full energies to preparing my tenure file for next fall. The constant barrage of hostile and retaliatory behavior is beginning to take its toll. For instance, while my average teaching scores for the last period under review (Fall 1999 and Spring 2000) were 4.16 and 4.23, respectively, my scores for Fall 2000 fell to an average of 3.8 out of a possible 5.

Conclusion:

As I have done repeatedly since May 3, 1999, I am once again seeking relief from the increasingly hostile work environment and the ever-worsening pattern of retaliation that I am subjected to in the Women’s Studies Department at San Diego State University. I do not wish to have an adversarial relationship with the university, nor do I wish to see the university placed in a position of liability. I simply seek a work environment free of discrimination and retaliation where I am judged on objective (and objectively applied) criteria. Having exhausted all administrative channels at San Diego State University in an effort to remedy the intolerable situation that exists for me in Women’s Studies, I am now seeking assistance under Executive Order No. 664. In accordance with the provisions of this Executive Order, I have provided the foregoing narrative, as well as responded to the following requests.

- 1. Describe specifically and fully the alleged improper governmental activity:
(Use additional sheets of paper if necessary)**

As detailed in the account above, the alleged improper governmental activity is the creation of a hostile work environment based on race. It is also the Chair's gross misconduct as manifested by her willful abuse of power

2. List all persons allegedly involved in the improper governmental activity and their involvement.

Chair Susan Cayleff has taken the most visible lead in creating a hostile work environment for me. Her specific actions (restricted to the timeframe permitted by Executive Order No. 664) are detailed in the account above.

3. Describe to whom the improper governmental activity was reported; the date reported; and whether the report was oral or in writing. (If in writing, attach a copy of the report).

I first brought the issue of a hostile work environment to the attention of the California Faculty Association by attempting to file a grievance on May 3, 1999 (see Appendix I, already cited). After the union refused to accept my grievance because the Chair was a fellow union member and not my "boss," I met some time later (Fall 1999) with Paul Strand, Dean of the College of Arts and Letters to discuss the toxic work environment I was experiencing in Women's Studies and to explore the possibility of a transfer to another department. At the Dean's suggestion, I met with Professor Jim Wood, Chair of the Sociology Department, to discuss possible options. Together, Professor Wood and I agreed that, given my current professional affiliations, publications, and research agenda, it would be in my best interest to remain in the Women's Studies Department until I received tenure, rather than jettisoning my work to date and starting over under a new set of criteria and expectations and developing new professional networks and resources. Professor Wood cautioned, however, that if I decided to remain in Women's Studies, I needed to get Paul Strand's assurance that the RTP process would be conducted in accordance with University policy, and not be tainted by "departmental politics." I subsequently met with Paul Strand to discuss the outcome of my meeting with Jim Wood and to ask for his assistance in negotiating the hostile terrain of the Women's Studies Department. The Dean agreed to assist me in any manner he could. Nevertheless, when I attempted to seek his intervention regarding the Chair's decision to change my teaching schedule on April 5, 2000, the Dean was non-responsive, and the issue of my complaint against the Chair was ultimately recreated as an occasion for the Chair to level false accusations against me.

Dean O. Popp, Associate Vice President for Faculty Affairs, received my responses to the Chair's accusations, in which I stated my belief that I was being subjected to racial stereotypes and targeted for certain behaviors because of my race. The response was sent to him on or about April 25, 2000.

Paul Strand, Dean of the College of Arts and Letters, was given a copy of the response on or about May 12, 2000, when I met with him to discuss the intolerable work environment to which I was being subjected and to request his intervention. While the Dean offered to move me out of the department, he refused to commit to any details regarding the move or its impact on my bid for tenure at the University. Advised by trusted colleagues that such a non-specific offer could be the first step in removing me entirely from the institution, I requested that Dean Strand call for a mediated meeting to discuss the Chair's accusations against me and my responses in order to uncover and resolve underlying issues. Dean Strand ostensibly agreed and subsequently copied my response to the Chair's accusations to all tenured and tenure-track members of the Women's Studies Department on or about May 15, 2000.

Both Dean O. Popp and Paul Strand were present at the unmediated meeting of May 15, 2000, and, therefore were direct witnesses to the remarks of my four senior colleagues who ridiculed my written and oral statements regarding racial discrimination and then stated that they would no longer serve on my RTP committee, for fear of being accused of such discrimination.

President Stephen Weber received written notification regarding these and other matters on or about July 27, 2000. (See Appendix XIII: Letter to President Weber from Attorney Lynne Lasry, dated July 27, 2000 and Dean O. Popp's response on behalf of the President).

After learning that the same senior faculty members who had verbally attacked and ridiculed me and stated that they refused to serve on my RTP committee would, in fact, comprise my RTP committee, I wrote Dean Strand a letter of objection on September 25, 2000. (See Appendix IV, already cited). This letter was copied to President Weber, Provost Marlin, Associate Vice President Popp, Department Chair Cayleff, Departmental Personnel Committee Chair Jones, Director of Equity and Diversity Moss, CFA representatives Schulze and Ghorpade, and my attorney Lynne Lasry.

My November 15, 2000 rebuttal to the review of my performance conducted by the Departmental Personnel Committee and my November 22, 2000 rebuttal to the review of my performance conducted by the Chair, which were clearly retaliatory, were copied to Dean O. Popp for inclusion in my RTP file. This file goes forward for review at all levels. These rebuttals are included in Appendix VI.

When the Chair sent her letter of November 20, 2000, notifying me that she was placing a letter in my official personnel file regarding the complaint from **Student C**, I copied Dean Paul Strand and Associate Vice President Dean O. Popp on my request to the Chair that we meet so that I could provide background information and written documentation that would prove the complaint to be without merit.

As noted in my opening narrative account, I subsequently met with the Chair in the presence of Associate Dean Carol Sweedler-Brown, to no avail.

When the Chair sent her letter of January 2, 2001, stating that she was placing a second student complaint, along with her letter endorsing the content of that complaint, in my official personnel file—again without benefit of an investigation or concern for due process—I contacted my attorney who, on January 5, 2001, wrote to President Stephen Weber requesting that he intervene to stop the Chair’s “series of escalating, retaliatory actions” against me. (See Appendix XII, already cited, for my attorney’s letter to President Weber.)

4. Describe the specific actions taken, by whom, and the dates of said actions that constitute the alleged retaliation.

These actions are detailed in the opening narrative account—most notably under the section “Retaliatory Uses of the RTP Process,” that begins on page 5 and the section “Retaliatory Handling of Student Complaints,” that begins on page 8.

Members of the Departmental Personnel Committee responsible for writing the retaliatory review of my performance are: Professor Kathleen Jones, Committee Chair; Professor Oliva Espin; Associate Professor Janet Kohen; and Professor Barbara Watson. Professors Jones, Espin, and Watson stated in the meeting of May 15, 2000, that they refused to serve on my RTP committee because they didn’t want to be accused of discrimination. The date of the Departmental Personnel Committee review was November 8, 2000.

Professor Susan Cayleff, who I believe took the lead in creating a hostile work environment for me and in retaliating against me for complaining about this environment, wrote her retaliatory review of my performance on November 15, 2000.

Her retaliatory mishandling of student complaints occurred throughout the period November 1, 2000 through January 2, 2001, and resulted in letters to my official personnel file dated November 20, 2000 and January 2, 2001.

5. List all persons involved in the alleged retaliation and describe the actions that constituted the retaliation.

See response to # 4 above.

Four senior faculty members who announced at the May 15, 2000 meeting that they refused to serve on my RTP committee because of my written and oral reference to the possibility that I was being subjected to racial discrimination.

These senior faculty members were Kathleen Jones, Oliva Espin, Barbara Watson, and Susan Cayleff. Susan Cayleff, the Chair, also stated that if I wished to stay in a department where no one spoke to me, that was my choice.

The acts that are the particular subject of this complaint are retaliatory use of the RTP process and retaliatory handling of student complaints. These acts are described in the opening narrative account.

[Documentation Available Upon Request]