



NOTE: Two phrases have been redacted in the following, since they would tend to compromise the confidentiality of a source

January 30, 2015

Klingler College of Arts and Sciences  
1103 W. Wisconsin Avenue  
Milwaukee, WI 53201-1881  
(414) 288-7059  
E-mail: Richard.Holz@Marquette.edu

Dr. John McAdams  
3559 N. Murray Avenue  
Shorewood, WI 53211

Dear John:

Pursuant to Sections 307.03 and 306.03 of the Faculty Statutes, I wish to advise you that Marquette University is commencing the process to revoke your tenure and to dismiss you from the faculty. As detailed below and in my letter of January 2, 2015, your conduct clearly and substantially fails to meet the standards of personal and professional excellence that generally characterizes University faculties. As a result, your value to this academic institution is substantially impaired.

Tenure and academic freedom carry not only great privileges but also vital responsibilities and obligations. In order to endure, a scholar-teacher's academic freedom must be grounded on competence and integrity, including accuracy "at all times," a respect for others' opinions, and the exercise of appropriate restraint. Without adherence to these standards, those such as yourself invested with tenure's power can carelessly and arrogantly intimidate and silence the less-powerful and then raise the shields of academic freedom and free expression against all attempts to stop such abuse.

As applied in the current case, it is vital for our university and our profession that graduate student instructors learn their craft as teachers of sometimes challenging and difficult students. Great teachers develop over time; many benefit from experienced mentors who share hard-earned insights. Thus, graduate student instructors should expect appropriate and constructive feedback in order to improve their teaching skills.

Multiple internal avenues of review were available to you if you believed a situation had occurred between a graduate student instructor and an undergraduate student that called for a corrective response. Instead, you chose to shame and intimidate with an Internet story that was incompetent, inaccurate, and lacking in integrity, respect for other's opinions, and appropriate restraint.

### **The Aftermath**

As a result of your unilateral, dishonorable and irresponsible decision to publicize the name of our graduate student, and your decision to publish information that was false and materially misleading about her and your University colleagues, that student received a series of hate-filled and despicable

emails, including one suggesting that she had committed "treason and sedition" and as a result faced penalties such as "drawing, hanging, beheading, and quartering." Another note, delivered to her campus mailbox, told the student, "You must undo the terrible wrong committed when you were born. Your mother failed to make the right choice. You must abort yourself for the glory of inclusiveness and tolerance." Accordingly, and understandably, the student feared for her personal safety, and we posted a Public Safety Officer outside her classroom. In addition, as a result of your conduct and its consequences, Ms. Cheryl Abbate now has withdrawn from our graduate program and moved to another University to continue her academic career.

### **Background and Context**

On November 9, 2014, you chose to post on the Internet a story prompted by a secretly-taped conversation between a student and a graduate student instructor. While you left the undergraduate student's name out of your post, and later insisted that his anonymity be protected, you posted without permission the graduate student instructor's name, Ms. Cheryl Abbate.

In addition, you gave an account of what happened in a class you did not attend and was not taped, describing Ms. Abbate as "airily" making a statement about "gay rights." You further purported to describe how the student's concerns were ignored by University officials in the College of Arts & Sciences and the Department of Philosophy.

You posted this story on the Internet (1) without speaking with Ms. Abbate or getting her permission to use her name; (2) without contacting the Chair of Ms. Abbate's Department (who had met twice with the undergraduate student) to get her perspective or express your concerns; (3) without contacting anyone in the College of Arts & Sciences to get their perspective or express your concerns; (4) without contacting anyone in the Office of the Provost to raise concerns that you believed had been ignored at the Department or College level; (5) without describing what had happened in the very next class following the one you wrote about--when Ms. Abbate discussed and addressed the student's objection (without identifying him); and (6) without even reporting fully or accurately what the student had disclosed to (and concealed from) others in the University about these events.

Had you exercised due care and standards of professional responsibility in keeping with University faculty, you would have found that critical information was stated falsely and/or omitted in your blog post. By way of example, you implied that as a result of the exchange you had recounted the student had dropped the class. You wrote as follows in your November 9 blog post:

She went on: "In this class, homophobic comments, racist comments, will not be tolerated." She then invited the student to drop the class.  
Which the student is doing.

That is false. As you knew or should have known [redacted], the student told the University three days after withdrawing that he had done so because he was getting an "F" at mid-term. He further specifically agreed that his grade fairly reflected his performance and had nothing to do with his political or personal beliefs.

Similarly, by leaving out any reference to Ms. Abbate's follow-up class discussion in which she acknowledged and addressed the student's objection to gay marriage, you created a false impression of her conduct and an inaccurate account of what occurred. You either were recklessly unaware of what happened in the follow-up class, or you elected not to include these facts in your Internet story.

Likewise, when you criticized the Department Chair for not taking action,

"The chair, Nancy Snow [sic], pretty much blew off the issue."

you once again either were recklessly unaware that the student did not give Dr. Snow the same information he gave you -namely a tape of the conversation- or again you elected not to include these facts in your Internet story. Further, in asserting that the Department Chair "pretty much blew off the issue," you either were recklessly unaware of, or you ignored, the fact that two days after meeting with the Chair, the student wrote to thank her and the Assistant Chair for their time and attention to his concerns:

I would like to thank you for the time you devoted to my complaint on Tuesday, in both of our meetings. I would like you to know that I intend to heed your advice and stay enrolled in the course. Thank you again for your time, and I wish you nothing but the best of luck with your research. Please feel free to share this message with Dr. Luft.

Moreover, you stated in your Internet story only that the College of Arts & Sciences "sent" the student to the Department with his complaint. Once again you either were recklessly unaware of, or you ignored, the fact that the student was expressly told he could come back to the College if he was "dissatisfied" with how the Department handled his concerns.

For these and other reasons that follow you have done a great disservice to Marquette, its faculty, students and alumni.

A more complete recounting of the events that have triggered the decision to seek revocation of your tenure and dismissal is as follows:

### **Classroom Discussion One, October 28**

On October 28, 2014, Graduate Student Instructor Cheryl Abbate held class in her section of PHIL 2310, Theory of Ethics. Ms. Abbate had enrolled in Marquette University's Philosophy Graduate Program in 2011 and was working on her PhD dissertation in ethics. The topic for the October 28 class was John Rawls' "Justice as Fairness" theory, which identifies proposed principles of justice for a well-ordered society. The class was learning Rawls' Equal Liberty Principle, which posits that each person has an equal right to fully adequate basic liberties compatible with similar liberties for all. In a political system following this structure, according to Rawls, the rights of minority groups with limited political power would not be restricted, even if doing so would yield greater benefits to the majority.

Ms. Abbate had asked the students to come to class prepared with examples from current events to which Rawls' Equal Liberty Principle could be applied. Among the students' responses in class were laws regulating guns, banning marijuana use, and mandating the use of seat belts. Some laws were reportedly discussed in some detail (e.g., gun laws) while others were identified but not discussed (e.g., marijuana and seat belt laws). One student offered the example of gay marriage as something that Rawls' Equal Liberty Principle would allow because it would not restrict the liberty of others and therefore should not be illegal. Ms. Abbate noted that this was a correct way to apply Rawls' Principle and is said to have asked "does anyone not agree with this?" Ms. Abbate later added that if anyone did not agree that gay marriage was an example of something that fits the Rawls' Equal Liberty Principle, they should see her after class.

### **After-Class Conversation Between Ms. Abbate and the Student, October 28.**

After class on October 28th, a sophomore student spoke with Ms. Abbate about the class and gay marriage. The recording he made (without Ms. Abbate's knowledge) is transcribed as follows:

S: I'm- I have to say, I'm very disappointed in you.  
Abbate: Ok, for what reason?  
S: We were talking today and you were kind of- when we were talking today about gay marriage, you said "well obviously this one's [inaudible]." I have to be completely honest with you, I don't agree with gay marriage. There have been studies that show that children that are brought up in gay households do a lot worse in life such as test scores, in school, and in the real world. So, when you completely dismiss an entire argument based off of your personal views, it sets a precedent for the classroom that "oh my God this is so wrong; you can't agree with this, you're a horrible person if you agree with this." And that's what came off. And I have to say I am very personally offended by that.  
Abbate: Ok.

S: And I would stress for you in your professional career going forward you're going to be teaching for many more years, that you watch how you approach those issues because when you set a precedent like that because you are the authority figure in the classroom, people truly do listen to you.

Abbate: Ok, I'm going to stop you right there. The question was about gay marriage. So, if you're going to bring statistics up about ...you know single people can adopt children right; you don't have to be married.

S: Yes.

Abbate: So gay marriage has nothing to do with the adoption of children.

S: I know and one of the reasons why I'm against gay marriage is because that gay couples are allowed to adopt.

Abbate: Ok. Do you realize as an individual you can adopt a child on your own and then have a relationship with someone?

S: Yes, absolutely.

Abbate: Even if it's not legal.

S: Absolutely, and I'm not in agreement with that.

Abbate: I don't think gay marriage has- first of all, I would really question those statistics.

S: I'll send them to you.

Abbate: Just like you were going to send me the other statistics about tail docking and ...

S: Tail docking?

Abbate: That it doesn't cause pain.

S: Oh yeah, I'll send those to you as well.

Abbate: So, any research that you're going to have I'm really going to question it because there is a significant amount of pure research that says otherwise, but even setting that aside, the question is about gay marriage itself. It's not about adoption of children ...

S: Absolutely, but there are different reasons why you can disagree with gay marriage.

Abbate: Ok.

S: So.

Abbate: So, gay marriage isn't banned- granting people license to have children, it has nothing to do with that? Do people have people a right to marry someone of the same sex ...

S: Regardless of why I'm against gay marriage, it's still wrong for the teacher of a class to completely discredit one person's opinion when they may have different opinions.

Abbate: Ok, there are some opinions that are not appropriate that are harmful, such as racist opinions, sexist opinions, and quite honestly, do you know if anyone in the class is homosexual?

S: No, I don't.

Abbate: And don't you think that that would be offensive to them if you were to raise your hand and challenge this?

S: If I choose to challenge this, it's my right as an American citizen.

Abbate: Ok, well, actually you don't have a right in this class, as --especially as an ethics professor to make homophobic comments, racist comments, sexist comments ...

S: Homophobic comments? They're not. I'm not saying that gays, that one guy can't like another girl or something like that. Or, one guy can't like another guy.

Abbate: This is about restricting rights and liberties of individuals. Um and just as I would take offense if women can't serve in XYZ positions because that is a sexist comment.

S: I don't have any problem with women saying that. I don't have any problem with women joining anything like that.

Abbate: No, I'm saying that if you are going to make a comment like that, it would be similar to making a ....

S: Absolutely.

Abbate: How I would experience would be similar to how someone who is in this room and who is homosexual who would experience someone criticizing this.

S: Ok, so because they are homosexual I can't have my opinions? And it's not being offensive towards them because I am just having my opinions on a very broad subject.

Abbate: You can have whatever opinions you want but I can tell you right now, in this class homophobic comments, racist comments, and sexist comments will not be tolerated. If you don't like that you are more than free to drop this class.

S: So, are you saying that not agreeing with gay marriage is homophobic?

Abbate: To argue about that individuals should not have rights is going to be offensive to someone in this class.

S: I'm not saying rights, I'm saying one single right. Ok? So is that what you're saying? Are you saying that if I don't agree with gays not being allowed to get married, that I am homophobic?

Abbate: I'm saying that it would come off as a homophobic comment in this class.

S: That's not what you said two minutes ago. Two seconds ago, you just said that is a homophobic comment to disagree with gay marriage.

Abbate: No, the example that I gave was in this class, if you were going to make a comment about the restriction of the rights of women, such as saying that women can't serve, are you videotaping or taping this conversation?

S: No.  
Abbate: Can I see your phone?  
S: Oh, I am. I'm going to be showing it to your superiors.  
Abbate: Ok, go ahead.  
S: Absolutely.

**Ms. Abbate Advises Department's Assistant Chairperson of Conversation and Taping, October 28.**

Following the above exchange, Ms. Abbate spoke with the Philosophy Department's Assistant Chairperson, Dr. Sebastian Luft. Ms. Abbate described what had occurred and explained that the student had admitted taping their conversation without her knowledge.

**Student Meets with Arts & Sciences Associate Dean, October 28.**

After speaking with Ms. Abbate the student went to the Dean of the College of Arts & Sciences to register a complaint. He was directed to Associate Dean Susanne Foster. After hearing the subject matter of the complaint, Dr. Foster outlined College policy, which is to try to resolve issues between students and faculty at the department level first. Dr. Foster was clear that if the student wanted to appeal a department decision, or was dissatisfied with the way the department handled his concern, he had recourse by appeal to the College.

**Student Meets for the First Time with Dr. Snow, Chairperson and Dr. Luft, Assistant Chairperson, of Philosophy Department, October 28.**

After leaving Arts & Sciences, at approximately 10 AM, the student met briefly with Drs. Snow and Luft. Dr. Luft was already aware of the issue and the taping because he had been told about it by Ms. Abbate, as noted above. The student briefly stated his complaint without disclosing or sharing the tape recording. To the contrary, when Dr. Luft asked the student if he had recorded the conversation, the student said he had not done so. The student offered to allow the professors to check his telephone, but that offer was declined. Dr. Snow said she would confer with University Counsel and get back to the student. The meeting ended after a few minutes.

**Dr. Snow Emails Student and Schedules a Second Meeting, October 28**

Several hours later, just after 1PM, Dr. Snow emailed the student asking him to come back to discuss the matter with her further. He came right over and at that meeting the student asked to be transferred to another section. Dr. Snow declined that request. She told him that she had checked University records and learned that he was getting an "F" in the class at mid-term. She asked if he was trying to transfer in order to avoid getting an "F." The student said he was insulted by that question. Dr. Snow said students do that [transfer due to poor grades] all the time. They then

discussed two options other than a transfer: stay in the class and work to improve the grade; or withdraw before the semester withdrawal deadline of November 14.

#### **Class Discussion Two, October 30**

In the next class section, held on October 30, 2014, Ms. Abbate returned to the issue raised by the student. She subsequently described her thinking and actions as follows:

[A]fter I spoke with the student on October 28th, I considered that other students might share similar concerns and, keeping this in mind, I addressed the issue with my class the following class meeting (on October 30). I began the class by mentioning that a student (whose name I never mentioned) had expressed a concern that I did not allow for a discussion on whether or not gay marriage would violate Rawls' Equal Liberty Principle. I explicitly referenced the student's objection, which he had presented to me after class on October 28th, and I explained to the entire class why this objection was problematic. The student had argued that gay marriage would violate Rawls' principle because, according to him, children who are raised by homosexuals are more deficient than children raised by heterosexuals. I explained to the class that this objection was not appropriate given the context of the discussion, because what was under discussion was whether Rawls' principle would support the right for gays to marry which is considerably different than discussing the right of homosexuals to adopt. I then, furthermore, explained that decades of research has concluded that there is little (and arguably no convincing) empirical evidence that children who are raised by homosexuals turn out worse than children who are raised by heterosexuals. I also explained that those who, despite the enormous amount of empirical research that demonstrates this, continue to argue the opposite are appealing to one very flawed research study, known as the New Family Structures Study, conducted by Mark Regnerus. I explained to the class that this study has been rejected by the American Sociological Association, American Psychoanalytic Association, American Psychological Association, Regnerus' own academic department, and so forth. I explained that appealing to this one research study, which is methodologically flawed, is not appropriate for an academic conversation or paper. I explained to the class that, keeping this in mind, I made the judgment that our limited class time should not be devoted to arguing about the application of Rawls' principle to gay marriage. I also encouraged my students to look into Regnerus' study for themselves to see the obvious problems.



**Student Emails Dr. Snow after the Follow-Up Class on October 30 to Advise He is Staying in the Class and Thanks Drs. Snow and Luft.**

From: [student's name omitted]  
Sent: Thursday, October 30, 2014 1:28 PM  
To: Snow, Nancy  
Subject: Tuesdays Meeting

Doctor's,

I would like to thank you for the time you devoted to my complaint on Tuesday, in both of our meetings. I would like you to know that I intend to heed your advice and stay enrolled in the course.

Thank you again for your time, and I wish you nothing but the best of luck with your research. Please feel free to share this message with Dr. Luft.

Sincerely, [student's name omitted]

**Student Meets with You, Week of November 3.**

According to the student, he met with you several days [redacted]. Apparently he described some of the above to you and shared the tape of his conversation with Ms. Abbate. According to him, you told him, "just so you know I have a blog," and you asked his permission to put what he shared with you on the Internet. You proceeded to do so days later on Sunday, November 9, 2014.

At 8:58AM on Sunday, November 9, you wrote an email to Ms. Abbate telling her you were "working on a story about an after class confrontation you had with a student ...." You asked for her "account" and "view," also telling her anything was "'on the record' unless you tell me differently." When she did not respond, you went ahead several hours later and published the following story on the Internet:

SUNDAY, NOVEMBER 09, 2014

**Marquette Philosophy Instructor: "Gay Rights"  
Can't Be Discussed in Class Since Any  
Disagreement Would Offend Gay Students**

A student we know was in a philosophy class ("Theory of Ethics"), and the instructor (one Cheryl Abbate) was attempting to apply a philosophical text to modern political controversies. So far so good.

She listed some issues on the board, and came to "gay rights." She then airily said that "everybody agrees on this, and there is no need to discuss it."

The student, a conservative who disagrees with some of the gay lobby's notions of "gay rights" (such as gay marriage) approached her after class and told her he thought the issue deserved to be discussed. Indeed, he told Abbate that if she dismisses an entire argument because of her personal views, that sets a terrible precedent for the class.

The student argued against gay marriage and gay adoption, and for a while, Abbate made some plausible arguments to the student- pointing out that single people can adopt a child, so why not a gay couple? She even asked the student for research showing that children of gay parents do worse than children of straight, married parents. The student said he would provide it.

So far, this is the sort of argument that ought to happen in academia.

But then things deteriorated.

#### **Certain Opinions Banned**

Abbate explained that "some opinions are not appropriate, such as racist opinions, sexist opinions" and then went on to ask "do you know if anyone in your class is homosexual?" And further "don't you think it would be offensive to them" if some student raised his hand and challenged gay marriage? The point being, apparently that any gay classmates should not be subjected to hearing any disagreement with their presumed policy views.

Then things deteriorated further as the student said that it was his right as an American citizen to make arguments against gay marriage. Abbate replied that "you don't have a right in this class to make homophobic comments."

She further said she would "take offense" if the student said that women can't serve in particular roles. And she added that somebody who is homosexual would experience similar offense if somebody opposed gay marriage in class.

She went on "In this class, homophobic comments, racist comments, will not be tolerated." She then invited the student to drop the class.

Which the student is doing.

#### **Shutting People Up**

Abbate, of course, was just using a tactic typical among liberals now. Opinions with which they disagree are not merely wrong, and are not to be argued against on their merits, but are deemed "offensive" and need to be shut up.

As Charles Krauthammer explained:

The proper word for that attitude is totalitarian. It declares certain controversies over and visits serious consequences -from social ostracism to vocational defenestration — upon those who refuse to be silenced.

The newest closing of the leftist mind is on gay marriage. Just as the science of global warming is settled, so, it seems, are the moral and philosophical merits of gay marriage.

To oppose it is nothing but bigotry, akin to racism. Opponents are to be similarly marginalized and shunned, destroyed personally and professionally.

Of course, only certain groups have the privilege of shutting up debate. Things thought to be "offensive" to gays, blacks, women and so on must be stifled. Further, it's not considered necessary to actually find out what the group really thinks. "Women" are supposed to feel warred upon when somebody opposes abortion, but in the real world men and women are equally likely to oppose abortion.

The same is true of Obama's contraception mandate.

But in the politically correct world of academia, one is supposed to assume that all victim groups think the same way as leftist professors.

#### **The "Offended" Card**

Groups not favored by leftist professors, of course, can be freely attacked, and their views (or supposed views) ridiculed. Christians and Muslims are not allowed to be "offended" by pro-gay comments.

{Muslims are a protected victim group in lots of other ways, but not this one.}

And it is a free fire zone where straight white males are concerned.

#### **Student Seeks Redress**

The student first complained to the office of the Dean of Arts & Sciences, and talked to an Associate Dean, one Suzanne Foster. Foster sent the student to the Chair of the Philosophy Department, saying that department chairs usually handle such cases. The chair, Nancy Snow, pretty much blew off the issue.

Interestingly, both Snow and Foster have been involved in cases of politically correct attacks on free expression at Marquette.

Foster took offense when one of her colleagues referred to a dinner which happened to involve only female faculty as a "girls night out." He was reprimanded by then department chair James South for "sexism," but the reprimand was overturned by Marquette.

Snow, in a class on the "Philosophy of Crime and Punishment" tried to shut up a student who offered a response, from the perspective of police, to Snow's comments about supposed "racial profiling." The student said talk about racial profiling makes life hard for cops, since it may make minorities hostile and uncooperative.

Snow tried to silence him, claiming "this is a diverse class." This was an apparent reference to two black students in the class, who were, Snow assumed, likely offended on hearing that.

The majority of the class, contacted by The Marquette Warrior, felt the comments were reasonable and relevant, but Snow insisted that the student write an apology to the black students.

So how is a student to get vindication from University officials who hold the same intolerant views as Abbate?

#### **Conclusion**

Thus the student is dropping the class, and will have to take another Philosophy class in the future.

But this student is rather outspoken and assertive about his beliefs. That puts him among a small minority of Marquette students. How many students, especially in politically correct departments like Philosophy, simply stifle their disagreement, or worse yet get indoctrinated into the views of the instructor, since those are the only ideas allowed, and no alternative views are aired?

Like the rest of academia, Marquette is less and less a real university. And when gay marriage cannot be discussed, certainly not a Catholic university.

### **Application of Governing Standards to Your Conduct**

Our Faculty Statutes outline the expectations for the scholar-teacher in the exercise of academic freedom. As noted above, "academic freedom is grounded on competence and integrity," which includes respect for the objectives of the academic institution.

Marquette University's objectives are understood against the backdrop of our Catholic, Jesuit mission and vision. Because Catholicism at its best seeks to be inclusive, Marquette is open to all who share its mission and seek the truth about God and the world. Academic freedom is the necessary precondition for that search, and accordingly Marquette welcomes and benefits enormously from the diversity of seekers within our ranks, even as we freely choose and celebrate our own Catholic identity.

Our mission and vision are realized through a University culture guided, shaped and protected by long-standing values. These values include (1) the personal and holistic development of students as Marquette's primary institutional vocation so as to educate students who are men and women for and with others throughout the world, and (2) nurturing an inclusive, diverse community with vigorous yet respectful debate.

Since important rights can be lost over time through abuse, specific duties for scholar teachers also have been recognized in order to safeguard academic freedom. Accordingly, academic freedom in the classroom "must be integrated with the right of the students not to be victimized and the rights of the institution to have its accepted aims respected."

Our profession has created duties for scholar-teachers outside the classroom as well.

As a man/woman of learning and an educational officer, he/she should remember that the public may judge his/her profession and institution by his/her utterances. Hence, he/she should at all times be accurate, should exercise appropriate restraint [and] should show respect for the opinions of others ....

In furtherance of the above, our Faculty Statutes expressly authorize the University to revoke tenure when circumstances arise from a faculty member's conduct which clearly and substantially fail to

meet the standard of personal and professional excellence which generally characterizes University faculties," with the further requirement that "through this conduct a faculty member's value will probably be substantially impaired." Examples of conduct that will substantially impair the value or utility of a faculty member include: "serious instances of . . . dishonorable, irresponsible, or incompetent conduct."

As detailed above, your conduct clearly, convincingly and substantially has impaired your value.

Instead of being an example of academic excellence and competence as a tenured, senior faculty member, your inaccurate, misleading and superficial Internet story lacked any measure of the due diligence we expect from beginning students.

Instead of being a mentor to a graduate student instructor learning her craft- including how to deal with challenging students -you took the opportunity publicly to disparage her, in a manner that resulted in her personal safety being put at risk, and you did so without knowing key facts surrounding the events about which you wrote.

Instead of respecting Marquette's objectives to develop graduate student instructors and to process student complaints properly, you wrote your story without first checking with any of your colleagues about what the student had told them.

Instead of listening to Marquette's repeated requests and cautions not to put student names on the Internet, you applied your own inconsistent rationalizations about whose privacy is entitled to protection. Based upon your years of Internet postings, you knew or should have known that your Internet story would result in vulgar, vile, and threatening communications to Ms. Abbate.

And instead of recognizing Ms. Abbate as a person to be treated respectfully and with dignity, you used her as a tool to further your agenda.

Your Department Chair recently detailed for the Dean of Arts & Sciences how your conduct has contributed to a culture of intolerance, threatened the practice of academic freedom, and often targeted women and those "in a lower position of power in academic standing at Marquette" than yourself. It thus is the consensus of your Department peers that you do significant damage to the University community.

While you claim simply to be ensuring the exercise of academic freedom, your irresponsible conduct has the opposite effect. The AAUP's 1994 Statement on Freedom of Expression and Campus Speech Codes stressed the faculty's major role in preserving the freedom of thought and expression that is essential to any institution of higher learning: "their actions may set examples for understanding, making clear to their students that civility and tolerance are hallmarks of educated men and women."

By contrast, your conduct creates fear in your colleagues and students that their actions and words will, at your unilateral "discretion," be put on the Internet in a distorted fashion. Consequently, faculty members have voiced concerns about how they could become targets in your blog based upon items they might choose to include in a class syllabus. Your conduct thus impairs the very freedoms of teaching and expression that you vehemently purport to promote. Again, the AAUP has called upon University governing boards and administration to exercise their "special duty not only to set an outstanding example of tolerance, but also to challenge boldly and condemn immediately serious breaches of civility."

For all of the above reasons, your value as a member of Marquette's tenured faculty has been seriously and irreparably impaired.

**Your Prior Similar Reckless and Irresponsible Acts, Together With Your Taking Pride from the Impacts of Your Current Conduct, Preclude the Lesser Sanctions of Reprimand or Suspension**

You have been asked, advised, and warned on multiple prior occasions not to publicize students' names in connection with your blog posts. In March 2008, you published the name of a student who worked in advertising for the Marquette Tribune after she had declined to run an advertisement highlighting alleged risks from the "morning after" pill. Only after that student contacted you to advise of the impacts upon her and to request you to cease and desist did you delete her name. In March 2011, you published blog posts regarding a student who was helping to organize a campus performance of The Vagina Monologues. Again, the harmful consequences of your unilateral naming of students were pointed out. You acknowledged at that time that publishing student names on the Internet was a matter of concern, but given your naming of Ms. Abbate that acknowledgment from 2011 appears to be without meaning or effect.

With this latest example of unprofessional and irresponsible conduct we have no confidence that you will live up to any additional assurances on your part that you will take seriously your duties to respect and protect our students, including our graduate student instructors. Indeed, after your blog posts were made and the hateful emails ensued, you gloated that your conduct would negatively impact Ms. Abbate's opportunities in the future:

Does our blog post harm Abbate, for example making it harder for her to get an academic job?

If there are some colleges out there who don't want instructors who tell students that opposition to gay marriage is homophobic, Abbate might not get hired there. That is appropriate. We feel no obligation to suppress information to help her get a job.

If one could imagine a justification for your irresponsible conduct in some circumstances, none is apparent here where (1) your post was materially false and misleading and (2) there is no

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justification for your unilateral and superficial comments on the conduct of a graduate student instructor so as to impact her professional opportunities and engender threats to her personal safety.

#### Conclusion

Therefore, in accord with Section 307.03, we are commencing as of this date the procedures for revoking your tenure and dismissing you from the faculty. Please refer to Chapter 307 of the Faculty Statutes for the procedures that will ensue. If you file a timely objection, we will of course provide the conferences outlined in Section 307.05 and thereafter, if necessary, proceed with the Faculty Hearing Committee process under Section 307.07. You of course will be provided all the process to which you are due. We likewise expect you to comply with these procedures, including but not limited to Section 307.08.

Sincerely,



Richard C. Holz, Ph.D.  
Dean

cc: Mr. Richard Esenberg

See Attached Exhibit A for witness list and other 307.03 requirements