



AAUP Statement on the University of Colorado's Treatment of Professor Patricia Adler

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The American Association of University Professors (AAUP) joins its Colorado state conference in condemning the University of Colorado-Boulder's treatment of sociology professor Patricia Adler. Although the university has not made public its own account of what transpired between university representatives and Prof. Adler, reports in the media and the testimony of many faculty and students at Boulder make clear that there has been an unwarranted and egregious violation of her academic freedom, specifically her right as a faculty member to select her own instructional methods within the broad parameters of her discipline and university policies.

The controversy derives from Prof. Adler's use of student assistants to impersonate various kinds of prostitutes in a large lecture class on "Deviance in U.S. Society." Although some facts remain murky, it is clear that Adler has used the technique for many years without incident or recorded complaint. Recently, however, representatives of the university's Office of Discrimination and Harassment showed up at her class unannounced, apparently in response to concerns raised by one of Adler's teaching assistants. However, neither that student, nor any other, filed a complaint about the class. Nevertheless, subsequently, Adler claims, she was asked by a dean to accept a buyout and retire or risk costly disciplinary penalties, including the loss of her retirement benefits. She says that she was also told she could not teach the class again. The university has neither confirmed nor fully denied this account.

Whatever took place between university officials and Prof. Adler in private, however, the university's justifications for its actions have shifted daily. Originally, Dean Stephen Leigh claimed that there was "too much risk" in having such a lecture in the "post-Penn State environment," alluding to the Jerry Sandusky scandal. How volunteer students acting out roles in a classroom exercise is equivalent to the forcible violation of underage boys by a retired coach in a locker room remained unclear. The university then claimed that the

exercise violated the university's human subjects policy and should have been approved by the Institutional Review Board. But they backed off that explanation when members of the board and others pointed out that IRBs focus on research, not classroom activities.

In an email to the university community Provost Russell Moore then suggested that the exercise violated the university's sexual harassment policy. However, that policy maintains that "[r]obust discussion and debate are fundamental to the life of the University. Consequently, this policy shall be interpreted in a manner that is consistent with academic freedom." The AAUP's own suggested policies for handling sexual harassment complaints states that if such harassment "takes place in the teaching context, it must also be persistent, pervasive, and not germane to the subject matter. The academic setting is distinct from the workplace in that wide latitude is required for professional judgment in determining the appropriate content and presentation of academic material."

Then, several days into the controversy and shortly after a closed-door meeting with faculty representatives, the university suddenly raised a new issue, which it now said was "the main concern," claiming that students were being photographed or filmed without their consent during the skit. "With any course involving something unusual, like photographing students, we ask for consent forms to be signed," Dean Leigh said. "For example, when we photograph someone in a theater rehearsal, they have to sign consent forms for this. We were concerned in this course that maybe there are cell phone videos being taken or other kinds of videos that would put students in a position where we didn't have consent on these issues."

The video or audio recording of faculty and students in a classroom without their consent may well be problematic. But the university administration has offered no evidence to suggest that such recording actually took place, much less that it was Prof. Adler's doing. Moreover, there are clearly far less obtrusive methods of dealing with such issues than canceling a class. To cancel a controversial classroom exercise merely because it might possibly be photographed surreptitiously would in itself amount to an egregious violation of academic freedom and deprive students and faculty alike of an important learning experience.

The university now says that whatever happened between its representatives and Prof. Adler, they have now "reversed course." They are asking that the class be reviewed by Prof. Adler's peers in the sociology department. Unfortunately, this remains problematic. From media accounts it appears that Prof. Adler and her department chair have longstanding differences. Whatever these differences may amount to, it is clear that at minimum any judgment within the department will lack the necessary appearance of fairness. More important, however, we see no reason why in the absence of any documented and serious complaints Prof. Adler's course should be subjected to a level of peer supervision and review not mandated for other courses in the sociology department.

Universities exist to challenge people's beliefs and assumptions, including in controversial subjects like sexuality. That Prof. Adler has taught this course and used this provocative technique for years without complaint should be taken as testimony to her skills as an instructor. Certainly it would appear that her students appreciate this. We are heartened by the several statements by students in support of Prof. Adler's teaching and by the student-sponsored online petition signed by over 3,000 people demanding that Colorado-Boulder "keep Patti Adler as a Professor."

The AAUP does not deny that there are instances in which instructors conduct themselves in the classroom in a manner worthy of disciplinary action. But there must be credible and concrete evidence of such misconduct and any faculty member so charged should be entitled to due process. While we recognize that all the facts may not be public, what is known in this instance makes clear that the university has been inconsistent in its rationale and hasty in its judgments. Therefore, we strongly urge the University of Colorado-Boulder administration to make a clear statement affirming that Professor Adler has not been forced to resign over the skit on prostitution that took place in her class and that she will be allowed to teach the course in the future.