



FLORIDA ATLANTIC
UNIVERSITY

**Academic Freedom and Due Process Committee
Report to the FAU Faculty Senate
June 20, 2013**

Academic Freedom and Due Process Committee Report on Academic Freedom

- Marshall De Rosa, Professor, Dorothy F. Schmidt College of Arts and letters and Chair of the Academic Freedom and Due Process Committee
- Mark F. Peterson, Professor, College of Business
- Hugh T. Miller, Professor, College for Design and Social Inquiry
- Robert Zoeller, Associate Professor. College of Education
- Edgar An, Professor, College of Engineering and Computer Science
- Wairimu Njambi, Associate Professor, Honors College
- Jane Strudwick, Assistant Librarian, FAU Library
- Yoshimi Shibata, Professor, Charles E. Schmidt College of Medicine
- Susan Dyess, Assistant Professor, Christine E. Lynn College of Nursing
- Christopher Beetle, Associate Professor, Charles E. Schmidt College of Science
- Diane Alperin, Associate Provost of Academic Personnel and Programs and Professor of Social Work, non-voting member

UFS charge to the AFDPC

The University Faculty Senate (UFS) referred to the Academic Freedom and Due Process Committee (AFDPC) the task of reporting the facts regarding the controversy stemming from an in-class activity conducted by Dr. Deandre Poole on February 25, 2013. The in-class activity was conducted in Dr. Poole's assigned course Intercultural Communication-23469-SPC 3710-002. FAU's 2013-2014 catalog description for SPC 3710 states that the course is an "Examination of the intracultural and intercultural communication differences within and between culturally diverse groups in the United States."

The UFS charge requested that the AFDPC consider the following:

- a) Ascertain if in fact there is an FAU ban on the exercise and the textbook.
- b) Ascertain what person[s] effected the ban.
- c) Ascertain how much information the affected department had about the banning process.
- d) Reach a judgment as to whether academic freedom has been breached and, if so, to what extent.
- e) If it is determined that there has been a breach, try to reach an agreement [see constitution] as to how to ameliorate the breach and how to avoid repetitions as similar situations may arise in the future.

As the work of the AFDPC progressed, so too did the scope of its fiduciary responsibility to the UFS to consider related academic freedom matters. Those related matters include, but are not limited to, campus security and the collaboration between Academic Affairs and Student Affairs regarding academic freedom.

Academic Freedom

The AFDPC is fully cognizant of its responsibility in fulfilling its task in upholding academic freedom. In 1957 the Supreme Court of the United States summarized the importance of upholding Academic Freedom in American universities. Chief Justice Warren opined,

“The essentiality of freedom in the community of American universities is almost self-evident. No one should underestimate the vital role in a democracy that is played by those who guide and train our youth. To impose any strait jacket upon the intellectual leaders in our colleges and universities would imperil the future of our Nation. No field of education is so thoroughly comprehended by man that new discoveries cannot yet be made. Particularly is that true in the social sciences, where few, if any, principles are accepted as absolutes. Scholarship cannot flourish in an atmosphere of suspicion and distrust. Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise, our civilization will stagnate and die.” [Sweezy v. New Hampshire - 354 U.S. 234 (1957)]

Academic freedom is not one-dimensional. It includes the academic freedom of professors and students as well as institutional academic freedom from unwarranted outside governmental interference. The incident under consideration by the AFDPC involves all three types. It is the intention of this report to clarify the manner and extent to which academic freedom has been adversely impacted by the administrative response to the in-class exercise under consideration.

Readers of this report should appreciate the efforts of the AFDPC membership. The AFDPC on the whole has met nine times, from mid-April to mid-June, each meeting extending over two hours. The fact-finding process utilized by the AFDPC involved requesting information and assigning committee members to interview multiple sources and reporting to the committee of the whole their respective findings. Interviews between individual committee members and multiple sources involved with the incident included approximately another twenty-five hours of additional committee work. The AFDPC’s due diligence resulting in this report should not go unnoticed. Nevertheless, some of the AFDPC’s work and conclusions will not be reflected in this report. There are statutory constraints that necessitate this result, which will be explained *infra*, in addition to unfinished work that require more time. Regarding the latter, the AFDPC will issue subsequent reports during the 2013/2014 academic year.

The findings of this initial report were facilitated by the cooperation of the FAU Administration. For example, FAU President Saunders facilitated the fact-finding process by emailing the interview prospects the following:

“I wanted to let you know that you may be contacted by member(s) of the Academic Freedom and Due Process Committee regarding a review they are conducting. I ask that you cooperate with this committee when called upon and make every accommodation to meet with them as needed.”

The AFDPC commends and appreciates the administration's cooperation in this process. Notwithstanding administrative cooperation, the AFDPC not only encountered obstacles in obtaining some relevant information, but some of the information must remain unreported as a precautionary measure.

The obstacles in question stem from the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99). FERPA protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. Consequently, the committee did not have access to what could be considered relevant information pertaining to the student involved in the incident. The inaccessible student information would not necessarily support the student's version of events. The AFDPC was concerned that the student may in fact have presented safety concerns that Dr. Poole justifiably reported to campus security on the evening of the event. The AFDPC did interview and received statements from Dr. Deandre Poole, the instructor involved in the incident. The AFDPC also received a report from Interim Dean Heather Coltman, regarding her meeting with Dr. Poole's Davie campus classes. Interim Dean Coltman's report to the AFDPC has been attached as addendum A, for informational purposes.

It is important to note that not a small portion of responsibility in assuring the academic freedom of the parties concerned rested with FAU's Office of Student Affairs. Due to FERPA constraints, the AFDPC was advised by FAU's Office of General Counsel to exclude personally identifiable student information that fall under the FERPA umbrella. Because the AFDPC has a fiduciary responsibility to uphold academic freedom, the AFDPC anticipates follow-up reports. During the upcoming academic year the AFDPC will address threats to academic freedom stemming from the Office of Student Affairs' potential failures to process faculty concerns about student non-compliance with FAU's Student Code of Conduct and student concerns regarding the right to a learning "environment that facilitates intellectual growth through open and honest expression." [See FAU's Strategic Plan, Values, <http://www.fau.edu/strategicplan/values.php>].

The Incident

According to information obtained from multiple sources, on the evening of February 25, 2013, Dr. Deandre Poole conducted an in-class exercise in his course Intercultural Communications (SPC 3710) at Florida Atlantic University (FAU), Davie campus. The exercise asked students to write the letters "J-E-S-U-S" on a sheet of paper, to place the paper on the floor, to think about it for a short time, and then Dr. Poole asked the students to step on their papers. The stated purpose of this exercise is to start a discussion on the importance of symbolism and its cultural context. The exercise followed by Dr. Poole is included among the instructors' resources that accompany the course textbook.

Dr. Poole told the AFDPC that many students chose not to step on their paper which was their option. Dr. Poole informed the students that this was an acceptable response to the exercise and that they were not required to do so. Dr. Poole then asked the students in the class to discuss their personal reactions to the idea of stepping on their papers. Dr. Poole said that one student vociferously objected to stepping on the paper. The offended student remained disruptive, repeatedly calling out, "hey brother!" to reengage Dr. Poole in a one-on one dialogue during

class. Dr. Poole told the AFDPC that he instructed the student to stop calling him “brother,” but ultimately dismissed the class early as the disruptive behavior continued. (See addendum B - Dr. Poole’s interview with the AFDPC)

Dr. Poole further stated that the disruptive student and one other student remained in the classroom after Dr. Poole dismissed class. The agitated student allegedly approached Dr. Poole in a threatening manner saying, “I want to hit you,” while punching his fist into his open palm. Dr. Poole also said that the student told Dr. Poole never to use this exercise again, and pounded on Dr. Poole’s desk with his fist several times yelling, “Don’t you ever do that again! Do you hear me?” Dr. Poole insisted that both students leave immediately, which they did. The student witness emailed Dr. Poole later that same night to clarify, “I am at a loss for words regarding what happened tonight. I just wanted to make it clear that I do not share the same views as my colleague and have the utmost respect for you as a professor.” [See addendum C - Witness email to Dr. Poole on Feb 26, 2013 at 1:39am]

Dr. Williams sent a Notice of Charges letter to the offended student on March 8. This letter has been made available publically [<http://thefire.org/article/15611.html> accessed June 19, 2013] and states the charge: "After an initial determination by this office that the student conduct process should proceed, you are being charged with violating FAU’s Student Code of Conduct, Regulation 4.007, specifically: (N) Acts of verbal, written (including electronic communications) or physical abuse, threats, intimidation, harassment, coercion or other conduct which threaten the health, safety or welfare of any person." This is consistent with a Student Affairs investigation by FAU into the alleged threatening behavior of the student, but FERPA laws have prevented the AFDPC examining any other documents pertinent to such an investigation. In any event, the Committee has no knowledge whatsoever of any Student Affairs investigation into any student’s refusal to participate in the exercise.

Media Reports and Public Response

The University started to receive media inquiries regarding this case during the afternoon of Tuesday, March 19. This apparently was the earliest time that FAU’s senior administrators became aware of the incident. On Wednesday, March 20, members of the senior administration met with FAU’s Office of Media Relations to prepare a public statement. This statement included input from Dr. Noemi Marin, Director of the School for Communication and Multimedia Studies, who is Dr. Poole’s immediate academic supervisor. It stated:

Students enrolled in an Intercultural Communication course at Florida Atlantic University recently took part in a classroom exercise from the textbook Intercultural Communication: A Contextual Approach, 5th Edition, authored by a non-FAU faculty member. As with any academic lesson, the exercise was meant to encourage students to view issues from many perspectives, in direct relation with the course objectives. Faculty and students at academic institutions pursue knowledge and engage in open discourse. While at times the topics discussed may be sensitive, a university environment is a venue for such dialogue and debate.

The University released this statement around 4:00 PM on March 20. The first local TV news report about the incident ran that evening, quoting the statement in part. The statement did not address any of the alleged threats made to Dr. Poole by the student.

The TV report used the word “stomp” associated with this incident. Dr. Poole told the AFDPC that he did not use the word “stomp” during class, but rather asked the students to “step” on their papers. The AFDPC regards the word “stomp” in the news report as inflammatory and understands that it clearly served as the emotional touchstone for many of the incoming complaints to FAU. The story was picked up and reported via national news outlets on Thursday, March 21. The following day members of the university administration, faculty, and staff started to receive a flood of telephone and email messages, some of which were threatening or otherwise abusive. Complaints exceeding nine thousand were received via telephone calls and emails. It is reasonable to assume that elected officials were also the recipients of complaints, demanding that they respond to the exercise.

Reacting to the growing public pressures outside of FAU, including inquiries by elected officials and heightened security concerns stemming from threatening communications, FAU released a second public statement regarding the classroom exercise at around 8:30 PM on Friday, March 22. The second statement substantially altered the initial administrative response by Dr. Marin. The second public statement stated:

A recent classroom exercise in an Intercultural Communication course at Florida Atlantic University has attracted public attention and has aroused concern on the part of some individuals and groups. The exercise was based on an example presented in a study guide to the textbook *Intercultural Communication: A Contextual Approach*, 5th Edition, written by a college professor who is unaffiliated with FAU.

Based on the offensive nature of the exercise, we will not use it again and have issued an apology to the community. It was insensitive and unacceptable. We continue to apologize to all the people who were offended and deeply regret this situation has occurred.

No students were forced to take part in this exercise; the instructor told all of the students in the class that they could choose whether or not to participate. No students will be disciplined in any way related to this exercise, either inside or outside the classroom.

The University holds dear its core values. We sincerely apologize for any offense this caused. Florida Atlantic University respects all religions and welcomes people of all faiths, backgrounds and beliefs.

The second public statement was used as the script for a recorded video message from Senior Vice President for Student Affairs, Dr. Charles Brown, which was prominently posted on FAU’s homepage on Tuesday, March 26.

Both public statements pronounced “we will not use [the exercise] again and have issued an apology to the community.”

The source of the second public statement's text is unclear, but it is clear that there was no input from academic faculty. During an interview with an AFDPC member, FAU President Mary Jane Saunders ultimately took sole responsibility for the second public statement. The AFDPC interviewer directly asked about the academic freedom implications of the text, "We will not use [the exercise] again." President Saunders responded, "My intent was not to tell faculty what they could or couldn't do, but to defuse the situation." Following the interview President Saunders agreed to remove the statement and the video featuring Dr. Brown from FAU's website. The removals were effected within hours of the agreement.

Political Pressures

The incident also provoked political responses by high ranking Florida officials. U.S. Senator Marco Rubio sent a letter to Frank Brogan, Chancellor of the State University System, dated Friday, March 22. It laid out the Senator's concerns and, while it credited FAU's apology for the exercise and assurance that it would not be conducted again, requested a clarification of the offended student's reported suspension from class. President Saunders responded in a letter to Chancellor Brogan and the Chair of the State University System's Board of Governors, Dean Colson, dated Monday, March 25. (See Addendum D) In addition to an explanation of the events derived from the public statements above, this letter stated, "The student will not be disciplined in any way for anything related to this exercise, either inside or outside the classroom," and, "We sincerely apologize to the student, members of the community and to anyone affected by this incident." This is the first mention of an apology from the University to the student.

Governor Rick Scott also sent a letter regarding the incident to Chancellor Brogan. Dated Tuesday, March 26, it said, "Whether the student was reprimanded or whether an apology was given is in many ways inconsequential to the larger issue of a professor's poor judgment." The letter also requested "a report of the incident, how it was handled, and a statement of the university's policies to ensure this type of 'lesson' will not occur again."

The student's legal counsel from Liberty Institute released the statement on Tuesday, March 26, affirming the apology. According to the statement, in a closed-door meeting on March 25, university officials had "apologized in person, agreed not to take any further action against [the student], will expunge all academic charges from his student records, and will allow him to take the course under the supervision of an alternate professor." [See <http://www.libertyinstitute.org/pages/florida-atlantic-university-student-suspended>] Other than the Liberty Institute's website, the AFDPC has no other account of the closed-door meeting.

According to FAU Chief of Police, Charles Lowe, on Wednesday, March 27, Dr. Poole received a phone message that contained a specific and credible death threat, such that it became the subject of a police investigation. Dr. Poole reported this threat to Dr. Heather Coltman, Interim Dean of the Dorothy F. Schmidt College of Arts and Letters. Based on this credible threat and the volume of threatening and abusive communications being received by Dr. Poole and others at FAU, Dr. Poole was "placed on administrative leave effective immediately for safety reasons." The leave was announced on FAU's web site on Friday, March 29.

FAU Chief of Police, Charles Lowe, in an interview by AFDPC of the whole on June 5, conveyed his concern with the quantity and tone of the threats being received by FAU personnel, particularly threats directed to Dr. Poole. Based upon his security concerns for Dr. Poole, faculty, staff and students, Chief Lowe recommended that Dr. Poole refrain from appearing on campus. Dr. Poole complied with the request. It is important to note that Dr. Poole's administrative leave was not a punitive measure for the exercise in question. It was exclusively in response to security concerns for Dr. Poole and the FAU community. Chief Lowe also stated in the course of the interview that the security concerns have passed and that he presently believes that Dr. Poole could return to campus.

Findings

(a) Ascertain if in fact there is an FAU ban on the exercise and the textbook.

There is no evidence that there was ever a ban on the textbook.

The only evidence of the perceived ban on the specific exercise came in public statements made by President Saunders and in a video statement recorded by Senior Vice President Brown. Both statements used the same language, "We will not use [the exercise] again." But according to the FAU's UFS Constitution neither administrative officer has exclusive authority to decide such purely academic questions without consulting the affected academic unit. Since no such consultation occurred, the AFDPC finds that there has not been nor is there currently any enforceable ban on the exercise.

President Saunders stated in an interview with an AFDPC member that statements implying a ban were designed to defuse an escalating public relations crisis and the attending security risk and not to ". . . tell faculty what they could or couldn't do. . ."

While the context and extent of the controversy explains why these statements were made, it does not necessarily justify them. Moreover, the FAU Administration contributed to the escalating controversy and security risks by its failure to articulate a reasoned response to the misinformation being reported by various media outlets. The misinformation stoked hostility towards Dr. Poole individually and FAU generally.

(b) Ascertain what person(s) effected the ban.

The texts of President Saunders's and Vice President Brown's public statements were sanctioned by the President's office. President Saunders made clear that both her statements and the similarly worded recorded message by Vice President Brown were made on her authority. The perception that there was a ban intended or not, was effected by President Saunders.

(c) Ascertain how much information the affected academic unit has about the banning process.

Lisa Metcalf, FAU's Director of Media Relations, did contact Dr. Noemi Marin, Chair of the School for Communication and Multimedia Studies, to comment on a public statement the

University made on Wednesday, March 20, shortly before the initial news reports started to appear. That statement contained no suggestion of a ban.

Neither Dr. Marin nor any other member of the School's faculty had any advance knowledge of the subsequent statements made by President Saunders and Senior Vice President Brown promulgated two days later. The affected academic unit had and has no further information regarding the process that led to the release of the public statements implying a ban.

(d) Reach a judgment as to whether academic freedom has been breached and, if so, to what extent.

Instructor's Academic Freedom: The president's statement, "We will not use [the exercise] again," pertains to purely academic matters and was made without the input from the affected academic faculty. It is the judgment of the AFDPC that it does constitute a *de facto* breach of academic freedom, insofar as an untenured instructor, in this case Dr. Poole, would be reluctant to contravene the public pronouncements of the university president.

Student Academic Freedom: The AFDPC finds that Dr. Poole used an intercultural communication exercise that has been used by faculty at other universities for many years, and that the instructions for the exercise provide procedures for student consent to participate that are consistent with professional norms in his field. We find no evidence that the exercise was intended to discriminate against any religious group.

Institutional Academic Freedom: The administrative response to outside pressures did create an atmosphere of suspicion among faculty that the administration, the Board of Trustees, and elected public officials may have compromised academic freedom. Culpability for this result primarily rests with FAU senior administrators. Due to their failure to articulate a reasonable defense of academic freedom and in a timely manner effectively process Dr. Poole's complaint alleging student misconduct, senior administrators dismally failed. Furthermore, the fact that Dr. Poole's complaint was not fully processed by Student Affairs may result in a lack of confidence on the part of faculty that alleged student misconduct will be appropriately processed, thereby increasing the possibility that complaints which should be will not be filed. This result is not conducive toward a healthy and safe learning environment for students and faculty. Academic freedom will not prosper in such an environment.

The AFDPC is concerned with the chilling effects on academic freedom at FAU stemming from this incident.

First, according to published statements by the allegedly threatening student and his counsel, FAU did initiate an investigation into an alleged violation of the Student Code of Conduct by the student in this case. The AFDPC, without access to FERPA protected documentation, can only surmise that the investigation was dropped without being completed as political and public pressure mounted. It appears to the AFDPC that this investigation did not concern the student's refusal to participate in the exercise during class, which he was well within his rights to do. Rather, the AFDPC believes it centered entirely on alleged threats of physical violence that the student made to his professor after the class was dismissed. These allegations, if true, would

constitute a clear violation of FAU's Student Code of Conduct. Indeed, had the roles been reversed, this also would have violated the standards of behavior outlined in FAU's Faculty Handbook. It is simply unacceptable for any member of the university community to threaten another as the student is alleged to have done in this case. It is not clear to the AFDPC what the ultimate outcome of the student's disciplinary process would have been, but it does seem clear that the investigation was terminated before that outcome could be rightly determined.

Abandoning the investigation of the student's alleged conduct in this case has had a pronounced impact on the perception of academic freedom among faculty, and especially non-tenured faculty at FAU. If Dr. Poole's choice of classroom exercise had violated the religious or other freedoms of his students, then certainly he should have been held accountable. Even if this were the case, however, it would offer no justification for the alleged threats of violence. In addition, while FAU is certainly not responsible for the student's alleged misbehavior, its obligation to defend the responsible exercise of academic freedom, without fear of reprisal, applies not only to pressures arising within the university, but to external pressures as well. Dropping the investigation without a resolution seems to be a failure to meet that broader obligation.

Second, as a non-tenured Instructor, Dr. Poole teaches at FAU on a renewable one-year contract, which has not yet been renewed for the coming academic year. The School for Communication and Multimedia Studies requested such a renewal early in the Spring 2013 semester, prior to the controversy involving Dr. Poole. The status of that request remains unknown. The AFDPC has been unable to ascertain the administrative level at which the request is under consideration at present. In the meantime, Dr. Poole's future at FAU remains uncertain.

The right to academic freedom comes with a concomitant obligation to exercise that freedom responsibly. The AFDPC has seen no evidence that Dr. Poole failed to meet that obligation in this instance. Indeed, 20 students enrolled in his Intercultural Communication course, the very people in the room that night, on their own initiative signed a petition stating that they "were not offended by any classroom activities, including the one pertaining to the "Jesus exercise." (See addendum E – Students' petition). Denying Dr. Poole reappointment as a result of the unfortunate events that followed would have a chilling effect on academic freedom at FAU. This is not, at the time of this writing, a breach of academic freedom in that no official decision regarding reappointment seems to have been made. It has the potential, however, to be the most serious breach of all.

Third, the decision to remove Dr. Poole from the classroom by placing him on administrative leave was a questionable alternative to providing adequate security for him and his students. Ideally, the responsible exercise of academic freedom would not provoke members of the public to threaten members of the university community with violence or death, as was done in this case. In the hopefully rare cases when this does happen, alternatives to removal from class and/or campus need to be seriously considered.

(e) If you find that there has been a breach, try to reach an agreement as to how to ameliorate the breach and how to avoid repetitions as similar situations arise in the future.

In conclusion, based on our findings above, Dr. Poole should not be penalized for his decision to use the exercise. Until the question of Dr. Poole's reappointment is resolved, FAU's commitment to academic freedom remains in doubt. Based upon the known facts, the AFDPC strongly views Dr. Poole's reappointment for the 2013-2014 academic year as affirmation for academic freedom.

This report is the beginning of an ongoing dialogue to address issues of academic freedom and academic responsibility within the FAU community.

Addendum

Addendum A

Reply message -----

From: "Heather Coltman" <coltman@fau.edu>

To: "Marshall De Rosa" <derosa@fau.edu>

Subject: Request

Date: Tue, Jun 4, 2013 3:51 PM

Hi Marshall,

Just a summary below.

On April 15th I visited two of Dr. Poole's classes on the Davie campus that Dr. William Trapani had assumed, including the Intercultural Communication course in which the incident with the student occurred. Students in both classes were courteous and seemed grateful to be given an opportunity to speak to an administrator about the event and how it had been handled by the university.

In the first class ("American Multicultural Discourse") there were several students that spoke openly about their respect and appreciation for Dr. Poole. They felt that he was an engaged and supportive faculty member and were disappointed he was not completing the term with them. One student spoke passionately about his feeling that Dr. Poole was one of his favorite instructors at FAU and that he had specifically taken the course, although it meant driving to Davie, because Dr. Poole was the instructor. Most students seemed curious about Dr. Poole's well-being and whether he would be returning to FAU. I informed them that we were all concerned for his safety and that no decision had been made.

The second class ("Intercultural Communication") was even more animated and universal in their support for Dr. Poole and their belief that the facts of the case had been misrepresented by the media. As before, I announced that I was there to listen to any comments they had on the incident or the university's handling of the ensuing events and almost immediately I was inundated with students wishing to speak. I reminded them that if they wished to contact me or the Director of the School of Communication and Multimedia Studies privately to convey they views they could do that as well.

Before the conversation began, one student asked if he could distribute a petition he had drawn up in support of Dr. Poole. He read it out loud to the class (I believe a copy of this petition has been submitted to the committee). It is my recollection that all students in attendance signed the petition, but I did not watch whether each and every student signed the document as it made its way throughout the room.

The students spoke for nearly 30 minutes and in that time I heard nothing but unconditional support for Dr. Poole, and their sense that the student was a belligerent and continued to inflame the issue despite Dr. Poole trying to de-escalate it multiple times. Students reported the exercise was "no big deal", that they did not understand what all the controversy was about and that the actual exercise had not offended them or been forced on them. Students reported that the student had, from the earliest days of the semester, been something of disruption in class often speaking

out at inappropriate times and using overly informal and potentially patronizing language to other students and to Dr. Poole (calling Dr. Poole “my brother” frequently for example). As in the first class students seemed determined to convey the message that Dr. Poole had been a consummate professional and an engaging teacher and they wished to see him return to his role on the faculty.

Addendum B

Dr. Poole was invited to the May 1, 2013 AFDPC meeting to give his account of the events that occurred in his class and to answer questions from the committee.

- The classroom activity is based on a text book, Intercultural Communication, a Contextual Approach, 5th Edition, by James W. Neuliep who teaches at St. Norbert College.
- This was an overload class in Davie; he volunteered to teach this course as an overload and he also chose the textbook as he had used it in a previous course.
- During the first part of the class, the student was agitated by the topic under discussion relating to women in the military. He clearly was not in favor of women serving in the military.
- Dr. Poole sensing that the topic was causing a bit of controversy, decided to end the discussion and continued on with his lecture for the evening and then gave the class a short break.
- After break, Dr. Poole asked the students to write the name “Jesus” on a piece of paper
- He clearly stated that he spelt out the name “Jesus” rather than say it
- He then asked the class to place the paper on the ground, look at the name, think about it and after a few seconds, asked them to step on it.
- He noticed that some students hesitated before stepping on it and most were uncomfortable and responded by refusing to step on the paper with the word “Jesus” on it.
- At this point, Dr. Poole told them that it was not a problem and that they did not have to do it if they did not want to and then he went into the discussion about symbolism.(see attached exercise)
- None of the other student’s displayed offensive behavior and the discussion took place in the normal procedure.
- No student was reprimanded or suspended for not participating in the exercise.
- **The Student** shouted out that he was not religious and “how dare you disrespect other people’s religion” as opposed to the media reports that he was a devout Mormon.
- **The Student** kept yelling out “Hey brother” to Dr. Poole who asked him to stop calling him that name.
- Dr. Poole ended the class early; **The Student** and a friend remained after class.
- While Dr. Poole was packing up his books, **The Student** approached him in a threatening manner, hitting his balled fist into his other open hand, yelling at him “Don’t you ever do that again, you hear me”
- Dr. Poole asked him to leave, he felt he was in danger; he turned to retrieve his cell phone to call security.
- By the time he retrieved his cell phone, **The Student** and his friend were already half way out the classroom

- The friend who was with **The Student**, apologized to Dr. Poole as they were leaving the classroom. (This friend also initiated the student petition and was responsible for collecting the signatures from his class mates, see attached email from student the night of the incident)
- Dr. Poole felt that his life was in danger and therefore wanted to make an official report.
- Since there was no official FAU police on duty, the Davie campus security guard agreed to go to Dr. Poole's classroom to take his statement.
- The report was filed on Monday, February 25th at 9pm against the student for his threatening behavior and not for his objection to the class room activity.
- This behavior was in violation of the Student Code of Conduct.
- Dr. Rozallia Williams conducted an investigation onto the alleged misconduct and informed Dr. Poole that disciplinary charges were filed against the student. The Student Conduct Board sanctions the student, not the Dean's office
- Dr. Poole also stated that he felt uncomfortable about returning to the class until the situation was resolved
- On Thursday, March 21, Dr. Poole met with Dean Coltman and Dr. Marin who wanted to find out what had transpired in the classroom
- The President asked the Provost to look into the matter and the Provost in turn asked the Dean to find out what had happened.
- On Friday, March 22nd, Dr Poole received a call from Dr. Corey King who told Dr. Poole that he was trying to put together a mediation negotiation with the student and his attorney and university attorney.
- He asked if Dr. Poole would attend that very day but later called back to inform him that he could not schedule the meeting but he will try for the following week.
- Dr. Poole did not hear back from Dr. King again.
- On March 20th, Dr. Poole received an email from Scott Travis a reporter from the Sun Sentinel wanting to know his version of the events before he released the story to the media
- Dr. Poole was instructed by Dr. Williams not to comment on the events as per FERPA Policies as this involved student privacy laws
- The incident hit the local media on March 20th and made national news on March 21st.
- Once the news hit the media, Dr. Poole started receiving hateful mail and death threats.
- The Administration also received numerous hate calls, emails and death threats.
- He was then informed by letter that he was put on paid administrative leave and was not permitted on any of the FAU campuses for his safety and that of the university as well.
- Dr. Poole then stated that he found out online, that the disciplinary charges against the student was dropped
- The administration did not contact him regarding the incident prior to it hitting the news. He has not being informed of whether he will be allowed to teach his summer classes which all have been filled up.

- He did not talk to anyone in administration that he would not be teaching this exercise again; he heard it on the video statement made by Dr. Charles Brown on March 26th.
- Dr. Poole also stated that he spoke to Dr. Coltman after the Charles Brown video was released and as a joke said that had he known that this would cause such uproar, he would never have taught the exercise. He has taught this exercise before with no conflicts.
- Dr. Poole was asked to read a letter from the President to the BOG and to give his perspective on whether his academic freedom was compromised. Dr. Poole agreed to email his views on the letter which is important for the committee to know what his stance is on academic freedom.
- Dr. Poole stated that he felt insulted by the statement made on the video referring to him as “a non-tenured professor”. Instructor’s also work very hard just like tenured professors and the wording” offensive to implied that Dr. Poole was intentionally offensive to his students and to his religion as he is also a devout Christian. It was more offensive to him that the Administration did not contact him to get his version of the events.
- The Provost contacted him on April 13th to find out if he was ok.
- When asked by the committee if he felt intimidated by all the threats and what his thoughts were about getting back in the classroom to teach
- Dr. Poole stated he felt comfortable to get back to teaching in a classroom without security and that he is willing to work with the university to find a compromise to this difficult situation.

Dr. Poole then left the meeting.

Addendum C

Homework

Page 1 of 1

Homework

[REDACTED]
Sent: Tuesday, February 26, 2013 1:39 AM
To: Deandre Poole
Attachments: HW. 5.docx (17 KB)

Dr. Poole,

This is [REDACTED] and I attached my homework to this document and want to thank you for accepting it.

I am at a loss for words in regarding what happened tonight. I just wanted to make it clear that I do not share the same views as my colleague and have the utmost respect for you as a professor.

Sincerely,

[REDACTED]

Addendum D (1)

COMMITTEES:
COMMERCE, SCIENCE, AND
TRANSPORTATION
FOREIGN RELATIONS
SELECT COMMITTEE ON INTELLIGENCE
SMALL BUSINESS AND
ENTREPRENEURSHIP

United States Senate

WASHINGTON, DC 20510

March 22, 2013

Mr. Frank T. Brogan
Chancellor, State University System of Florida
325 W Gaines Street
Tallahassee FL, 32399

Dear Chancellor Brogan,

I am writing to respectfully express my serious concerns over the events that recently transpired at Florida Atlantic University (FAU) regarding the rights of our students and the integrity of the material being taught in our classrooms.

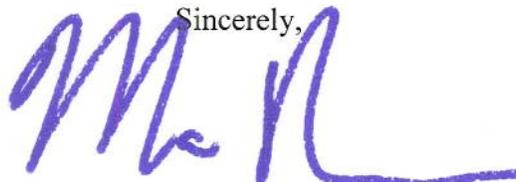
It is my understanding that during an Intercultural Communications Class (SPC 3710) at FAU, students were instructed to participate in an exercise where they write "Jesus" on a sheet of paper, reflect on it, place the sheet of paper on the floor, step on it and report how that made them feel.

It has also been brought to my attention that a student named Ryan Rotela was offended by the exercise, refused to participate for religious reasons, had the courage to tell the Professor that this exercise was inappropriate and informed the Professor that he would be reporting the exercise to his superiors. It is my understanding that Ryan has now been suspended from the class. Chastised by the FAU Administration, Ryan appears to have been singled out for standing up for his religious beliefs.

I appreciate FAUs' apology for the exercise and assurance that it would not be conducted again. Such an exercise has no place in Florida's State University System. But I remain troubled by his claim that he has been suspended. Our public institutions of learning should respect the religious freedom of all people. No student in our state should be punished for respectfully expressing his religious and conscientious objections about a classroom activity and also advocating for transparency and accountability in our post-secondary educational system.

I would appreciate a response to the concerns I've brought to your attention. Thank you.

Sincerely,



Marco Rubio

cc. Governor Rick Scott
cc. Senator Don Gaetz, President, Florida State Senate
cc. Representative Will Weatherford, Speaker, Florida House of Representatives
cc. Dr. Mary Jane Saunders, President, Florida Atlantic University



FLORIDA ATLANTIC
UNIVERSITY
Office of the President

March 25, 2013

The Honorable Dean Colson, Chair
The Honorable Frank Brogan, Chancellor
The Florida Board of Governors
325 W. Gaines St.
Tallahassee, FL 32399

Sent via Email

Dear Governor Colson and Chancellor Brogan:

You have requested information about the recent classroom exercise that was taught by a non-tenured instructor in an Intercultural Communication course here at Florida Atlantic University. The exercise was based on an example presented in a study guide to the textbook *Intercultural Communication: A Contextual Approach*, 5th Edition, written by James Neuliep, who is unaffiliated with FAU. Based on the offensive nature of the exercise, we will not use it again and have issued an apology to the community. It was insensitive and unacceptable. We continue to apologize to all the people who were offended and deeply regret this situation has occurred.

The student will not be disciplined in any way for anything related to this exercise, either inside or outside of the classroom.

We are challenged to balance our responsibility to protect student records and academic freedom with common sense, personal judgment and community expectations. This episode has tested those responsibilities. Please be assured that while a public university is a place for open dialogue and debate, we accept that we have a tremendous responsibility to consider the repercussions of our decisions.

Again we sincerely apologize to the student, members of the community and to anyone affected by this incident.

Sincerely,



Mary Jane Saunders, Ph.D.
President

777 Glades Road, P.O. Box 3091, Boca Raton, FL 33431-0991 • tel: 561.297.3450 • fax: 561.297.2777



RICK SCOTT
GOVERNOR

March 26, 2013

Mr. Frank T. Brogan
Chancellor, State University System of Florida
325 W. Gaines Street
Tallahassee, FL 32399

Dear Chancellor Brogan:

I am deeply disappointed in the recent actions of Florida Atlantic University (FAU) faculty that raises significant questions over students rights and the lessons being taught in our classrooms.

According to news reports, the instructor's manual for an FAU Intercultural Communications Class (SPC 3710) instructed students to write "JESUS" in large letters on a sheet of paper and place it on the floor in front of them. After the students were given time to "think about it for a moment," they were told to step on the paper and tell the class how they felt.

As we enter the week memorializing the events of Christ's passion, this incident gave me great concern over the lessons we are teaching our students. Initial news reports said Ryan Rotela, a student at the school, was suspended from class because he refused to participate in the activity. I am told that these reports are disputed by the university and that FAU has apologized for the activity.

Whether the student was reprimanded or whether an apology was given is in many ways inconsequential to the larger issue of a professor's poor judgement. The professor's lesson was offensive, and even intolerant, to Christians and those of all faiths who deserve to be respected as Americans entitled to religious freedom.

Our public higher educational institutions are designed to shape the minds of Florida's future leaders. We should provide educational leadership that is respectful of religious freedom of all people. Florida's parents and students deserve nothing less.

I am requesting a report of the incident, how it was handled and a statement of the university's policies to ensure this type of "lesson" will not occur again.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rick Scott".

Rick Scott
Governor

