

Dear Colleagues, Students, President Pelton, Administrators, and Board of Trustees:

I bring forward in good faith this complaint of discrimination and harassment.

Introduction: I write to you in my role as Faculty Assembly Chair, however, please note that the content of this email attachment is the work of Anthony Lowrie and no other person or persons were involved or consulted in its writing. I take full responsibility for all views expressed.

This may well be the most important email I will ever write in my life. I am shocked and appalled at what I have learned in the last few days. I have reflected and contemplated since October 24th and have had sleepless nights since. I have discussed the content of this email with my wife and the consequences that may pertain to it for us both and our fourteen-year-old daughter. We reached the conclusion that we have fought for social justice all our lives and that to stay silent now would be to make a travesty of all we have stood for and worked for all our lives, which includes threats by residents and the police in Fargo, North Dakota, who threatened my H1B status, when campaigning for Obama in the presidential campaign.

Following the introduction, this email attachment is structured in six parts and I address each of my audiences in turn but all of this email attachment is pertinent to all those I address. I hope you all read and reflect upon the content of the entire email. It may not be word perfect and I ask that you forgive any typos.

Part 1. To Lucie and Elizabeth: I address you Lucie because we spoke at Assembly on the 24th and I am given to believe you hold a leadership role in the protest and the accusations of racism against faculty. Elizabeth, I address you because your name is on the Change.org website with the heading "Demand Action From Emerson Administration". First, I want to reiterate what I said to you Lucie in Assembly: I am entirely with you in your fight for justice. I applaud you both and indeed all the students who believe that they have been treated unjustly and are fighting back.

I would like to encourage you Lucie and Elizabeth to forward this email to all your student colleagues as I do not have access to the student listserv of the group you represent. I would like to encourage you Lucie and Elizabeth, all your colleagues on the protest and indeed all students who feel they have been subjected to discrimination to reflect upon your course of action and remedies available to you given that "Students of color and other marginalized groups continue to deal with microaggressions, bias, and discrimination while faculty and administration pat themselves on the back for minimal effort to combat the institutionalized racism that is present at this college". In my opinion, there should be no place for any person in

Emerson who treats any other person in the way you describe or who takes advantage of any person who may be vulnerable or feel vulnerable or uses hate language against them or to describe them. As you clearly imply, this is not acceptable behavior and those who act in this way should not have a place at Emerson.

Only yesterday did I learn of the most shocking information related to these complaints. I learned in an email from the chairs of the Ad-Hoc Committee on Cultural Competency (AHCCC):

“We understand the problem of racism on our campus and in our classrooms well enough to move to action. Stories have been coming from students to administrators, to the AHCCC, to department chairs, through the bias incident reporting system, to ODI, and to individual faculty for years...we have done due diligence over the last two and a half years to understand the problem. Departments have conducted two self studies, students have been surveyed, data has been collected...we have learned from the stories students have told us...Students who came to us at assembly have experienced racism, discrimination, and bigotry on our campus.”

From this quotation from the chairs of AHCCC, it would appear that there is sufficient evidence to follow College policy which is:

“Each member of the College community is personally responsible for adhering to this policy and may not discriminate against or harass anyone in the College community. College community members are also expected to cooperate in any investigation of alleged harassment or discrimination, if requested to do so by the College. Failure to cooperate in an investigation of a report of harassment or discrimination, including, but not limited to, failure to meet with College administrators concerning the report, may lead to corrective action, up to, and including dismissal termination (sic) of employment, association with Emerson, or dismissal from Emerson.

Any person who observes an incident that may constitute a violation of this policy or who otherwise becomes aware of such an incident is strongly encouraged to immediately notify one of the listed officers below. Individuals in supervisory capacities who observe an incident that may constitute a violation of this policy or who otherwise become aware of such an incident must immediately notify one of the listed officers below.”

Source: <http://www.emerson.edu/policy/discrimination-harassment-retaliation#x>,
retrieved October 28th 2017.

What I want to know, and I should imagine all our community want to know, given that we have the College policy and the clear knowledge and evidence claimed by AHCCC of these heinous breaches of policy, what was done? Have these breaches of policy been documented? Has anyone lost their job because they breached these policies? Did the administration fail to act when presented with the evidence? Were students offered legal advice or advised to get legal advice? We as a community, students and faculty, need answers to these questions. All students, in addition to seeking legal advice should also consider contacting someone like Senator Elizabeth Warren as she works on and has a keen legislative interest in transparency in higher education:

"Going to college opened up a million doors for me, but I wasn't a traditional student - I dropped out, got married, then found a commuter college hundreds of miles away from where I'd started. The way colleges and the federal government currently report student outcomes data would have left me out of the picture," said Senator Warren. "The College Transparency Act will patch up the big gaps in college data transparency and finally provide students, families, and policymakers with an accurate picture of how colleges are serving today's students."

Source: https://www.warren.senate.gov/?p=press_release&id=1603,
retrieved October 28th, 2017.

It seems to me that there are three possibilities here. 1. Some of our community have been subjected to terrible abuse and despite being reported nothing was done, in this case I would imagine these people, students or otherwise, could seek legal redress. 2. That the claims were exaggerated, in which case those falsely accused, if anyone was, could seek legal redress. 3. That some vulnerable students were encouraged to exaggerate and in fact there is no factual basis for any of these complaints. In this case, those students may have a prime facie case in that some person or persons took advantage of their vulnerability and led them into jeopardy by encouraging false accusations and actions that contravene Emerson College policy. These students could seek legal redress on the basis that they were willfully misled. In summary, students may have been subjected to discrimination and may seek legal redress, or they were willfully misled and may seek legal redress, or some of our community may have been falsely accused and may seek legal redress. It seems to me that one of these must hold.

My advice to you Lucie, Elizabeth and all the protest students is to talk to your parents or guardians and seek independent legal advice. I would strongly advise you not to talk to Faculty nor Administration as they are interested parties and not independent. If the cost of legal services seems too much, you can always bunch together, perhaps under a class action. Whatever you do, please get independent advice.

Part 2: To AHCCC: I have read your email, copied in full below, and I appreciate your listing of allegations in support of the student claims.

“Thank you, Michaele, for the recommendation. The Ad-Hoc Committee on Cultural Competency (ADCCC) (sic) wants to announce the meeting widely and would welcome anyone interested in mapping our next course of action forward to attend. We have secured the Engagement Lab/Emerson Launch classroom in 160 Boylston Street, 3rd floor on Thursday, November 2nd at 2pm.

Anthony, by the very nature of the Ad-Hoc, our meetings have always been as inclusive as possible. General meetings of the AHCCC are open to any faculty (full and contingent), staff, administrators, or students who are interested in attending.

We understand the problem of racism on our campus and in our classrooms well enough to move to action. Stories have been coming from students to administrators, to the AHCCC, to department chairs, through the bias incident reporting system, to ODI, and to individual faculty for years. This is not a time to delay or prevaricate. And we have done due diligence over the last two and a half years to understand the problem. Departments have conducted two self studies, students have been surveyed, data has been collected, some basic level cultural competency training has begun by most departments. Individual faculty have gone through a preliminary level of cultural competency training over the summer through the ODI. This was a good start, but as we have learned from the stories students have told us, it is not enough. A year and a half ago, Lee Pelton said, “‘Inclusive excellence’ at Emerson is not just a pleasing phrase. It opens onto an action agenda that permeates the life of the College... We have all of these efforts in place, and yet we know—from the very students we are teaching today—that we have more work to do. The standards that we have set for ourselves are high and we are committed to reaching them.” It’s time. The students have done their homework and they have offered the faculty, administration, and staff a clear path forward. Over hundreds of students came to faculty assembly and asked us, as a body, to support them and take

specific actions. Yes, study can and will continue, but now is the time for action and to show our commitment.

The AHCCC as a committee of the Assembly is prepared to craft a response that we will bring to the faculty council and then to the assembly. That has been the charge of this committee since the faculty voted unanimously on the assembly floor to create the AHCCC (May 2015, 64 voting members, no NOs or abstentions). And, by our very nature, we hope that any faculty, administrators, or staff who are interested in being a part of doing this complex, important, and complicated work of (sic) will join us.

While the support of the administration is vital to our ability to affect change on our campus, let's remember that the students came directly to us--the faculty. Some demands that the students have made will need to be spearheaded by administrators and staff. But we as a faculty were asked by our students to help ensure that action is taken. Students who came to us at assembly have experienced racism, discrimination, and bigotry on our campus. They came to us two and a half years ago, and they have come to us again now. There is much that we as a faculty can do--and must do. Our community asked for our help. Let's do the right thing and support our students, our campus, and each other as we make this campus a safe space for all of our students to learn.

As Roy said, our plan is to hold an AHCCC meeting next week to consider each of the students' demands, map out items that are immediately actionable, and devise a plan for the ones that are longer term items. We can then come to council and then to assembly with our plan. We could write this as a response to the students or we can present it as a suggestion of actions to the assembly, whichever the council prefers."

Where I differ from the AHCCC is in defining the problem and the action required based on evidence. Last time we had a protest like this one, faculty were asked to sign a letter and felt harassed and put under duress to do so as not to sign might have career implications, classroom implications and student evaluations of teaching implications. It would seem that you may be planning something similar. It would seem that you are suggesting that faculty are responsible for this problem without a willingness to conduct an enquiry. Have you considered that it may even be that AHCCC, its actions or lack thereof, and its modus operandi is part of the problem? It is my opinion that requesting faculty to sign up to what is essentially a letter of confession may have legal implications and I would suggest that further signed letters and

recommendations are not made until we know for sure what is happening here and what in fact is the root cause of the problem we see here. You say you know what the problem is, but you still fail to state that problem. It seems to me that you are accusing faculty of racism and bigotry either without evidence or you fail in your responsibility to present the evidence. This is a very serious allegation and to accuse people of breaking Emerson College policy, cited above, that may lead to their dismissal is not to be taken lightly. Accusation without proof may in and of itself be interpreted as a form of abuse. Moreover, to make general accusations at a group of people is discriminatory practice. By accusing faculty of racism, bigotry and discrimination, you are bringing Emerson College into disrepute. I would ask you to withdraw your remarks until we find out what the facts are. If we find out that there is a case to answer, then I will be right there standing by you. We should proceed and develop policy and due process based on evidence not allegation. If you have a case, you should make it and allow those people you are accusing to defend themselves. I would like to remind you that we have democracy and the rule of law in the United States and people are allowed due process and not to be subject to mob rule or a form of McCarthyism, that is, using allegations without proof to intimidate and frighten faculty who are too vulnerable to say no or to object. In effect, you are doing what you accuse others of.

As you rightly point out in your email, nothing has changed since AHCCC was charged with this matter around two and a-half years ago. I therefore put it to the chairs of this committee that you have failed utterly in your charge and we as an Assembly of Faculty should find another way to deal with the recurring problem. Your solution appears to be the same as last time, i.e., blame faculty and write yet another statement that purports to address the student demands. As the students rightly point out, this approach did not work last time and I see no reason that it would work this time. We need a more radical solution, not more of the same. Less witch-hunting of faculty and more fact finding followed by the implementation of the College policy for those who breach it may be more useful.

Part 3. To Faculty Assembly Members: I suggest to all Faculty of Assembly that we set this committee aside and bring in outside, independent legal experts that can forensically investigate the student claims of racism and discrimination. I suggest that all interested parties be party to the selection of these independent experts and that we invite someone of sufficient legal standing to help adjudicate the matter and that all findings be binding. The cost of this inquiry should be paid by the College.

As I said in the above statement to students and to AHCCC, it seems to me that you are being falsely accused and certainly accused without good reason. Even in criminal law in the state of Massachusetts chapter 263 section 1, you have the right to be informed:

“Section 1. Whoever is arrested by virtue of process, or whoever is taken into custody by an officer, has a right to know from the officer who arrests or claims to detain him the true ground on which the arrest is made; and an officer who refuses to answer a question relative to the reason for such arrest, or answers such question untruly, or assigns to the person arrested an untrue reason for the arrest, or neglects upon request to exhibit to the person arrested, or to any other person acting in his behalf, the precept by virtue of which such arrest has been made, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year.”

It seems to me that faculty are being defamed and subject to libel and slander without the opportunity to know the grounds, i.e., what is the stated case, who is accused and who is your accuser, and this too defames and slanders Emerson College as faculty is a substantial part of what constitutes Emerson College and its prized reputation. I have listened to faculty and I have heard their anger expressed in confidence to me as their Faculty Chair at yet again being accused of such heinous discrimination. Discrimination is unlawful. If you've engaged in such discrimination you may face legal action. Equally, if as a faculty member you have experienced unlawful discrimination, you may be able to do something about it and have legal redress. The question arises, did faculty face discrimination on October 24th, 2017 and on the previous occasion in 2015? Your employer should certainly not be complicit in any discrimination and may even have a duty of care to protect its employees against discrimination coming from those within its community as set out in its own policy.

I would urge all members of faculty not to sign any letters or recommendations as these may be deemed as confessional and may later be used in evidence in a court of law against you. As I suggested to our students, it would be wise to seek legal advice. Do not submit to duress even if you just want to move on and get on with your job of teaching and carrying out your responsibilities as a faculty member. Keep in mind that you are being falsely accused as a general and mass accusation cannot be applied to the individual. If AHCCC and administration have done their due diligence, as claimed in the email cited above, then the guilty should be accused and dealt with according to Emerson College and with due process. It is not Emerson College policy to make blanket allegations and state that Faculty are racists and bigots.

I would ask all faculty members to email me in confidence at a.lowrie.02@cantab.net and tell me how you feel about being accused of racism, bigotry and discrimination. This is a secure email at the University of Cambridge, United Kingdom and what you say will not be shared with anyone. If you support my actions and call for an independent inquiry, please also email me a.lowrie.02@cantab.net offering your support. Please remember to use a non-Emerson email account. Please provide any evidence you have of feeling harassed or intimidated on October 24th, 2017 and/or on the previous protest in 2015. Provide written, verbal, pictorial or video evidence of harassment if you have it and if you feel comfortable sharing it with me. Keep in mind the following legal definition of harassment:

“Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance.
[authors' italics].

The employer will be liable for harassment by non-supervisory employees or non-employees over whom it has control (e.g., independent contractors or customers on the premises), if it knew, or should have known about the harassment and failed to take prompt and appropriate corrective action.

Source: <https://www.eeoc.gov/laws/types/harassment.cfm>, retrieved 10/29/17.

Part 4. To the Administration: According to the AHCCC, “We understand the problem of racism on our campus and in our classrooms well enough to move to action. Stories have been coming

from students to administrators, to the AHCCC, to department chairs, through the bias incident reporting system, to ODI, and to individual faculty for years. This is not a time to delay or prevaricate. And we have done due diligence over the last two and a half years to understand the problem.” This implies that you as administrators knew of the problem and yet according to AHCCC and the student testimony you have done nothing to protect these vulnerable students. It would seem that AHCCC is making a case against you. If you knew what was going on, why did you not fix it. You have a duty of care and you had the knowledge. You also have a policy in place, cited above, so the question arises, why did you not implement it? This is a serious allegation of professional neglect and neglect of duty and a failure to protect the vulnerable. If as is claimed that you have documented these individual cases of racism, bigotry and discrimination and have evidence of these cases, then who, if any, has been sanctioned in line with the policy? If in fact there is no evidence of such cases, then you have a duty of care to your employees who have been subjected to hate language on two separate and distinct occasions that lasted for about two hours on each occasion and which has been documented. You stood and watched as faculty were humiliated (a form of discrimination) by hundreds of menacing students and made no effort to stop what was happening or to intervene or to curtail their abuse or remind them of College policy. In fact, as is documented, you agreed with the student demands by saying that we as faculty needed to address and accept these demands with the assumption that they are in fact accurate and true thereby attributing fault to faculty and encouraging students in hate speech against faculty. In other words, you as administrators endorsed and so took part in the humiliation (discrimination) of those in your employment. If the student claims are true, then the question arises, why did you not act to implement College policy? If you have a policy in place as cited above then it must be applied to all regardless of age, race, gender orientation or status within the Emerson Community. It seems to me that the College has been put into serious jeopardy whatever way you look at it: It is clearly evident and documented that faculty were discriminated against, humiliated and intimidated with your encouragement while policy regarding documented student complaints seems not to have been followed.

I would say that no faculty member wants to see our young and vulnerable students to be sanctioned; indeed this is why faculty members were polite in the face of their abuse last time and this time. There may be a case to be answered that students have in fact been misled by some faculty, staff, administrators or combination thereof. It would most certainly seem that student discriminatory behavior and abuse toward faculty was actively encouraged by tacit approval by administrators who stood silent, failed to intervene or to remind students of College policy and then moved on to approve the student demands in the petition and state that we

must meet these demands. The latter could also be part of the problem that we need to understand and get to the bottom of through an independent enquiry as I have set out above. The approval by administrators of student aggression and discriminatory behavior apparent in the meeting of October 24th goes to show that faculty cannot have faith in your judgement nor your ability to resolve discriminatory behavior that has, according to AHCCC, been documented and gone on for some years.

Part 5. To President Pelton: The above is not exhaustive but is representative of the problems facing our College under your administration. It would appear that i) students have either not been protected from discrimination by some faculty in our midst, ii) students have been misled by some in our community which may put them at risk under College policy and/or anti-discrimination law and iii) that our faculty have been falsely accused of discrimination, and iv) faculty have been subjected to mob rule, humiliation and intimidation. I ask you to invite senior Faculty Council officers representing Faculty Assembly in addressing this problem and invite the Board of Trustees, of which you are a member, to help in identifying the root cause of the problem and to set up an independent inquiry appointed by all interested parties in this matter and to produce binding recommendations that address discrimination on our campus from whatever quarter. I ask you to forward this email attachment to the Board of Trustees. I have no access to the Board's emails.

Part 6. To the Board of Trustees: I would like to request that you help faculty resolve this matter and support an independent inquiry, which in my opinion is the only way to resolve what has become a toxic situation in Emerson under the current Administration. Students are angry and frustrated, faculty are angry and frustrated. Faculty have come to me and expressed anger at levels I have not seen before at Emerson. Many wanted to go to the press. I have asked for restraint and said that going to the press is only going to damage Emerson's reputation even further. If parents and potential students believe that we are a discriminatory, racist and bigoted institution then the likelihood is that they will stay away. Given the level of recent investment in new buildings and refurbishment, we cannot as a community risk falling student numbers as this is the basis of our revenue. Our best faculty may look for other employment options. Those you can move may well find an academic home elsewhere.

Despite being a private not for profit, we are a Federally funded institution and State and Federal legislatures will take a keen interest in your failure to put an end to discrimination either at the student or employee level. As a matter of urgency, I would ask you to facilitate an independent inquiry. I no longer know where else to report to for help on this issue. As a very

recently elected Faculty Assembly Chair who is getting on top of the brief and obtaining an overview of Emerson that I have not previously had, I have learned of these appalling events and become a rather unwilling 'mandated reporter', and feel duty bound to raise this issue with you and perhaps Senator Warren as she has an interest in higher education transparency. I have not sent this letter to Senator Warren at present. By extrapolation of the College policy cited above, I am required to report discrimination and harassment when I learn of it. The Board of Trustees is my last source of internal reporting. This email attachment is the direct outcome of College policy. However, I believe in due process and trying to find solutions that will be least damaging to our community. I therefore ask you to intervene and set up an enquiry that will a) identify the root cause of the problem and b) make recommendations that will resolve the root cause of the problem and c) start a process of truth and reconciliation that will bring all those in Emerson into a harmonious and productive community.

Yours truly

Anthony Lowrie (Faculty Assembly Chair)