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February 9, 2024

Dear AAUP Committee A Members,

We are writing as the State Board of the Nevada Faculty Alliance to express concerns about ongoing threats to shared governance and academic freedom by the Administration at the University of Nevada, Reno (UNR), and to request that AAUP Committee A conduct an investigation into the behaviors of members of the UNR Administration, including President Brian Sandoval, Provost Jeffrey Thompson, Vice Provost for Faculty Affairs Darrell Lockhart, Vice Provost for Undergraduate Education Dave Shintani, Interim Dean of the College of Liberal Arts Casilde Isabelli, Vice President of Legal Affairs Mary Dugan, Assistant General Counsel Melissa Barnard, and their colleagues. This letter details some of these violations and links to selected evidence; additional information or evidence can be provided on request.

Our formal complaint is that various members of the administration, guided by UNR's [Office of the General Counsel](#), have facilitated the dismissal of academic misconduct charges and/or the altering of student grades without faculty permission; have set an unreasonably high bar for removing disruptive and threatening students from classes; have greatly limited faculty's ability to revise College bylaws; have undue influence on the Title IX/EEO process; and provided overly restrictive guidance around DEI work.

We have raised concerns about these and other issues with various members of the administration over the last few years, but our emails and letters are met with non-response, especially by the President and Provost. Despite requests to meet to discuss issues in further detail included in all our messages, neither the President or Provost has met with NFA leadership since May 2022 to discuss concerns we have raised. We hope that the AAUP can help us educate UNR leadership on the role of an AAUP advocacy chapter and the importance of meeting with NFA leadership to discuss concerns relevant to our members and other faculty.

### **Academic Dishonesty Process**

In the past few years, faculty have seen the academic dishonesty charging process, defined in [University Administrative Manual \(UAM\) 6.502](#), as being increasingly interpreted in ways that impede academic freedom and faculty due process. In the past year, General Counsel began giving the Office of Student Conduct guidance to dismiss academic misconduct charges in which the faculty member discussed the concerns with the students before sending an official charging letter, under the perception that this violates students' due process rights. Counsel has similarly determined that any information not provided in the initial charging letter cannot be

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introduced during any appeal hearing. If faculty include too much detail in letters, since new information cannot be used at appeal hearings, this detail is used by the Office of Student Conduct and the Office of the Provost against faculty to dismiss charges before any appeal takes place ([Appendix A](#)). As depicted in the memo sent by an associate dean to Faculty Senate ([Appendix B](#)), these violations of due process are part of an ongoing pattern and have included grade changes without faculty consultation.

These changes to the academic dishonesty charging process have not been accompanied by a public explanation of the exigence leading to these shifts. Meanwhile, they discourage faculty from working proactively with students to turn issues of academic dishonesty into teachable moments.

### **Unreasonably High Bar for Removing Disruptive and Threatening Students**

General Counsel has repeatedly recommended policies and procedures that privilege disruptive or threatening students over other students and/or faculty members. In addition to the threats to learning and/or personal safety, members of administration, under the guidance of General Counsel, are actively blocking faculty from removing such students from their classes.

As depicted in the redacted memo and email exchanges shown in [Appendix C](#) and [Appendix D](#), an instructor and program director carefully documented a student's outbursts, racist communications in class, and emails on multiple instances that made other students and the instructor uncomfortable. In [Appendix E](#), a former faculty member describes how she was threatened by a student on multiple occasions and how, in her meeting with General Counsel and the Provost's Office, the blame was placed on her inability to ask him to leave class. She was further instructed to call campus police if he seemed threatening—while informing her that despite his many outbursts across campus, he was not a threat.

The aforementioned [UAM 6.502](#) describes what constitutes disruptive behavior but also notes “a student may be dropped from class at any time for misconduct or disruptive behavior in the classroom upon recommendation of the instructor and with approval of the college dean.” The administration, under the guidance of General Counsel, actively limits evidence that may be used in dismissal cases, without any rationale, as with their new interpretations impacting the academic dishonesty process. In a meeting with the Senate Academic Standards Committee in October 2023, General Counsel Melissa Bernard similarly emphasized that any disruptive behavior had to happen during class time and that late-night emails or inappropriate behavior during office hours was not admissible and that it is very difficult to set a standard for threatening behavior.

### **Limiting Faculty's Ability to Revise Bylaws**

Administration, advised by General Counsel, has been increasingly restrictive on faculty-led changes to college bylaws, blocking a variety of changes. [Appendix F](#) and [Appendix G](#) depict a number of irregularities in the College of Science bylaws revision process, including aggressive

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editing by the General Counsel and/or Vice Provost for Academic Affairs ([Appendix H](#)). Meanwhile, in the words of the included memo sent by the College's senators, ([Appendix I](#)),

The section on standards for tenure and promotion in the College of Science has been gutted, entirely removing the (non-exclusive) examples of activities that will be considered in the evaluation of teaching, research, and service. Without that guidance, faculty members will have no safe harbor to know what activities might or might not be deemed meritorious by future personnel committees, chairs, or deans.

Despite objections raised through the Faculty Senate, Dean Louisa Hope-Weeks proceeded with the vote, which was substantiated by her agreement with the edits recommended by General Counsel. Although the vote resulted in a defeat of the bylaws changes (faculty senate leadership refused to report the results when requested), the result is a reversion to the 2006 bylaws and a great amount of time spent in crafting the revised bylaws in collaboration with various administrators. A path forward on meaningful revisions is not clear if General Counsel and deans continue to block revisions giving faculty guidance on tenure and promotion guidelines.

### **Undue Influence on the TIX/EEO Process**

As evident in [this article published in USA Today](#) by Kenny Jacoby, the institution has maintained a high level of secrecy around its Title IX data, likely due in part to legal and associated liability concerns. After the article was published, UNR administrators sent Jacoby the data in [Appendix J](#), and repeatedly pressured him to revise his article by saying they released the data. At the December 2022 NFA chapter meeting, Jacoby stated that cases in favor of the complainant are closer to 50% at the national level; however, UNR's average has been 14% and even lower in some years. Despite requests from the Faculty Senate, Nevada Faculty Alliance, as well as the undergraduate student senate, similar numbers for faculty/staff cases have not been released. Zeva R Edmondson, the UNR Director of Equal Opportunity and Title IX Coordinator, stated at the December 2023 NFA board meeting that we should move on from the past and she does not plan to release that data.

UNR's Title IX office typically does not operate as an "independent and impartial" investigatory body but rather as an extension of the university's General Counsel and the administration to curtail institutional liability. At worst, it facilitates retaliation against faculty members who make complaints. In response to concerns about the functioning of the TIX office, the administration hired [TNG Consulting](#), which has its own problematic history and is focused primarily on risk reduction for clients, concerns detailed by student leaders in this [editorial](#). Elsewhere, one public records request reveals that the Vice Provost for Faculty Affairs, Darrell Lockhart, may be making decisions for the Title IX Office rather than allowing the office to function independently ([Appendix K](#)).

This opaque process is coupled with a pattern of retaliation. A recent case was covered by local news ([Appendix L](#)), which reported that Tennyly Vik, a communications professor who had filed a Title IX complaint, was subsequently given a notice of termination in Spring 2023, after the

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administration had committed to ensuring a more fair and transparent process. For context, Dr. Vik came from a department in which three assistant professors have left in the last few years, with one relocating to another UNR department; with Dr. Vik's termination, the department will have no more tenure-line assistant professors. Three current UNR faculty, including an associate dean for the College of Liberal Arts and one former faculty member, have given declarations in support of this case. We are including those with this submission (see [Appendix M](#)), as they illustrate a failure on the part of administrators to address abusive behavior. [Vik recently settled](#) with the university.

In sum, these legitimate complaints against power-based violence are being dismissed while those with reputations for abusive behavior are kept in their positions of power if they are favored by the administration. As one student activist put it in [this Chronicle article](#) on TIX failures at UNR, "If you are the perpetrator, we will protect you. If you are a victim, we will silence you."

### **Problematic Hiring Practices for Executive Positions**

Since 2020, UNR has seen huge turnover in 9 of 13 dean positions, multiple executive positions have been added, and the Executive Director of DEI's position remained vacant for years. We have heard a number of reports that the processes set in place by college and university bylaws are not always being followed in leadership searches, and that faculty perspectives are ignored and/or marginalized in these processes.

Whereas the [University Administrative Manual has clear guidelines for Vice President searches](#), we have seen at least two Vice Presidents (the VP of Government Relations and VP of Legal Affairs) appointed into their positions without a search, and the new Vice President for Information Technology was appointed after a search for a Vice Provost for Information Technology. The UNR Bylaws and University Administrative Manual have specific requirements for faculty, staff, and student representation on search committees for vice presidents, and it is evident that these bylaws have not been followed.

The perception, in multiple instances, is that leaders are hired because of who they know, rather than the qualities they bring to the positions. NFA leadership has expressed these concerns in at least one previous letter sent to President Sandoval, to which the NFA received no response. In the case of the search for the Engineering Dean, which has drawn unfortunate attention to the university [in this blog post](#) and [news article](#), five finalists were brought to campus, whose forums were announced via a campus-wide email—a few months later, in the middle of the summer, Dean Jones was invited to campus and appointed a few weeks later in a process that engineering faculty have alleged sidestepped the initial search committee and ignored concerns raised in the process. In the words of one commenter on the aforementioned blog, "The search committeeS (there were multiple involved as the spouse was "given" a job at UNR too) did their job, admin ignored/looked the other way from the MANY red flags, warnings provided by faculty across several departments."

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## **Overly Restrictive Guidance around DEI Work**

Diversity, Equity, and Inclusion recommendations made by General Counsel too often go unquestioned and become the law, as opposed to simple recommendations, greatly hindering the institution's ability to serve faculty and students from underrepresented backgrounds. General Counsel's ongoing fears of lawsuits — partially in response to the Supreme Court Decision in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College* and *Students for Fair Admissions, Inc. v. University of North Carolina et al.* — have resulted in conservative approaches to DEI work, even though Nevada has not passed the restrictive laws seen in other states.

In one instance, Admissions and Records was reportedly instructed not to share lists of scholarships targeted toward students from particular ethnic backgrounds. In another example, the former Interim DEI Executive Director was told their office could not conduct a campus climate survey and that an outside entity would need to conduct it, to minimize liability concerns.

As we can see in the [previously referenced declarations in the Vik case](#), those engaging in DEI work are often sidelined or chastised if they are doing meaningful work. Since the departure of Diversity and Inclusion Officer Eloisa Gordon-Mora in 2021, who reportedly filed a complaint with NSHE against UNR President Brian Sandoval before her departure, we have not had a permanent director, with the recently appointed interim director leaving after just over a month in her appointment in that role. Although the president recently announced a “search,” the administration has already identified a candidate ([Appendix N](#), p. 9).

Thank you for taking the time to read this letter and review the evidence we have provided. Please reference the evidence with discretion if contacting members of UNR administration, as there are ongoing issues of retaliation against whistleblowers at UNR. Members of NFA leadership are happy to meet with you to discuss these concerns in more depth, and we are happy to provide more evidence as needed.

In Solidarity,

### **The State Board of the Nevada Faculty Alliance**

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