

Appeal by Professor Donald Hindley

## II. Analysis

The events leading up to this appeal arose under two University policies dealing with discriminatory harassment: one containing basic definitions (*Non-Discrimination and Harassment*, which we will refer to as *ND Definitions*), and one laying out procedures for investigating and resolving concerns and complaints (*Non-Discrimination and Harassment Problem Resolution and Appeal Procedure*, which we will refer to as *ND*

unless in this case we found no evidence that ...

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(4) The *ND Procedures* call for a “prompt and thorough” investigation at the stage where the problem solving philosophy has been deemed impossible to pursue. In our view this investigator lacked thoroughness in her failure to meet promptly with Professor Hindley, and also in her failure to consult impartially with other students in the class where the

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well-known conditions; that the student's reaction was "reasonable"; that the hostility

[REDACTED]

of this Committee, and we wish to express our appreciation for her complete cooperation and that of other members of the academic administration.

The *ND Procedures* contain their own appeal mechanism, notwithstanding that the same

Handbook. The appeal process under the *ND Procedures* has important strategic disadvantages for faculty, in that the members of the “advisory committee” conducting the appeal are chosen directly by the Provost from an unpublicized list of faculty pre-

**(D) Appropriateness of disciplinary actions**

justification for sanctions of any kind. But we are also required by our mandate to address the appropriateness of sanctions outlined in the Provost's October 30 letter.



later date. The policy on this aspect of the case is that an interim case to be further

elaborated in light of future factual and procedural developments.

**III. Further campus discussion**

The District Court has held that the Board of Trustees of the University of