

Files sub. to the Faculty Review Board by the administration in Varlo case. Board met late Jan. 2015. They recommended reinstatement but the Pres. upheld termination.

①

Probation never even mentioned in the hearing or evidence. In fact the word itself is never used.

DIXIE STATE COLLEGE OF UTAH POLICIES AND PROCEDURES MANUAL	Section: 3-Faculty
	Policy No: 5
	Approved: 10/27/95 Revised: 04/30/12
Policy: FACULTY TERMINATION	

② No witnesses for admin gave direct statements (all were 2nd hand).

③ No witnesses for admin gave sworn testimony at the Faculty Adv.

3-5 FACULTY TERMINATION

I. Scope

- A. This policy covers the voluntary (resignation) and involuntary (dismissal) terminations of faculty appointments.
- B. This policy applies to tenured, tenure-track, and non-probationary faculty.
- C. This policy does not apply to the non-reappointment of probationary or term appointed faculty. See Faculty Retention, Promotion, and Tenure Policy (3-7).
- D. In this policy, termination and dismissal includes substantial reduction in status.
- E. This policy is based on Utah Board of Regents policies R481, Academic Freedom Professional Responsibility, and Tenure, and R482, Bona Fide Financial Exigency and Personnel Reduction, and shall always defer to those policies.

II. Resignations

A resignation is a voluntary termination of a faculty member's employment. Letters of resignation must be in writing, must state the faculty member's specific termination date, and should be sent to the faculty member's supervisor with a copy sent to the Human Resources office, the Vice President Academic Services, and the appropriate dean. The College requests four (4) months' notice before the date the resignation becomes effective.

- A. Faculty compensation is calculated on a fiscal year basis. Therefore, faculty members' professional responsibilities to the College require that once a faculty member begins employment and receives a salary during a fiscal year (July 1), s/he is obligated to fulfill his/her responsibilities through the next June 30.

B. If a faculty member desires to terminate employment during the first 50% of the fiscal year (through December 31), the faculty member may be liable to the College for any compensation overpayment. Payment must be made within thirty (30) calendar days of termination date.

C. Retirement is a unique form of resignation covered in Policies 3-25 – Retirement, 3-26 Early Retirement, and 3-38 Emeritus.

III. Termination of Appointment

There are three reasons for which a non-probationary or tenured faculty member can be dismissed:

- i. Cause
- ii. Program Discontinuance
- iii. Financial Exigency

IV. Dismissal of Faculty for Cause

Dismissal for cause may be imposed on a faculty member in the following circumstances:

Professional incompetence as defined in the Faculty Rights and Responsibilities policy (3-4).

- i. Unwillingness or refusal to meet his/her responsibilities to the College.
- ii. Serious misconduct or unethical behavior.
- iii. Serious violation of College rules and regulations.

A. Procedures for Dismissal for Cause

Dismissal means the termination of employment of a faculty member at any time other than in the case of non-reappointment.

- i. Until the final decision upon termination of an appointment has been reached, a faculty member may be suspended temporarily, or assigned to other duties in lieu of suspension, if immediate harm to the faculty member or others is threatened by his/her continuance. Compensation will continue during the period prior to final decision by the President.
- ii. Faculty members being dismissed for cause have the right to due process, including the right to contest the information before an impartial board of faculty peers.
- iii. Dismissal notices shall originate in the office of the Vice President Academic Services. Any such notice shall contain a statement of the cause(s) of the proposed dismissal with supporting detail, including the name(s) of the person or persons making the charge(s) and the nature of the factual information, as well as an outline of the procedures available to the faculty member if s/he wishes to contest the information before a faculty Review Board.

iv. If the faculty member chooses to appear before a Review Board to refute the causes stated in a notice of dismissal, written request for a Review Board must be received by the Human Resources Office not later than thirty (30) calendar days after the dismissal notice was sent.

B. Faculty Review Board

The Faculty Senate shall select three (3) tenured, full rank faculty members to serve as a pool of Faculty Review Board Chairpersons who will receive training in preparation for chairing the Faculty Review Board panels and serve staggered terms of six (6) years. One of the three (3) Review board chairpersons will be randomly selected as a chair of each Review Board.

i. No individual with more than 50% administrative duties may serve as a Review Board Chair or member.

ii. The Faculty Review Board shall consist of five (5) tenured faculty members. The Vice President of Academic Services and the Faculty Senate will each select five (5) qualified faculty members to serve as a Faculty Review Board pool (total 10 faculty members). In addition, the two (2) Review Board Chairpersons not selected to chair a particular Review Board panel will be available to be selected as members of that Review panel. From the pool, a four (4) member Review Board panel will be selected in a neutral manner which also ensures impartiality of judgment as well as diversity in the academic expertise and experience of panel members.

iii. All five (5) members of the Review Board, including the chair, shall have equal voting rights.

iv. Any member of the Review Board pool may remove him/herself from a particular panel if s/he deems him/herself disqualified for bias or conflict of interest. The dismissed faculty member has a maximum of two challenges, with which s/he can request that a member of the panel be replaced by another individual from the Faculty Review Board pool. No reason or cause is needed for such a challenge.

C. Faculty Review Board Guidelines

The Faculty Review Board chair shall schedule a meeting not more than twenty (20) business days after the receipt of the request and send written notice to the dismissed faculty member. The notice shall include the names of the four faculty members selected as panel members.

i. DSC legal counsel shall serve as a resource to the Review Board and may be present at the meeting to provide guidance on substantive law and procedural matters.

ii. The dismissed faculty member shall have a right to be accompanied by two persons as advisors, including legal counsel, who will be permitted to attend, but not directly participate, in the proceedings.

iii. Review Board meetings will be held in accordance with generally accepted standards of procedural due process. Information of the sort upon which responsible persons are accustomed to rely

on in the conduct of serious affairs may be considered, and is not restricted to information which would be admissible under the strict rules of evidence of a court of law.

- iv. The Review Board may consider any information which the panel believes is of value or import in determining the issues involved. Every possible effort will be made to obtain the most reliable information available. The Review Board panel shall make its findings and recommendations based only on the information presented by the parties at the reviews.
- v. Review Board meetings shall be closed to the public.
- vi. Review Board meetings shall be recorded.
- vii. If the dismissed faculty member fails to attend the scheduled meeting without good cause, the meeting will be cancelled, and the notice of termination will be upheld.
- viii. The dismissed faculty member will be afforded an opportunity to present verbal statements from individuals whom they believe to have information relevant to the stated cause(s) of dismissal. The dismissed faculty member may also present documentary or other information, and the administration will, insofar as it is possible for it to do so, make available necessary documents and other within its control.
- ix. The dismissed faculty member and the administration will have the right to interview and question anyone presenting a verbal statement at a Review Board meeting.
- x. Review Board members shall not conduct any separate investigations, rely on prior knowledge of the facts, or develop their own information regarding the review.
- xi. The burden of proof rests with the institution, and shall be by a preponderance of information and satisfied only by information in the record considered as a whole.
- xii. Review Board deliberations and voting shall take place in closed session. The Review panel shall decide by majority vote. The Review Board chair shall report in writing the Review Board's findings, decision, and recommendations to the President within twenty (20) business days after the conclusion of the meeting.
- xiii. Involved parties shall be notified of the Review Board's decision within twenty (20) business days after the conclusion of the meeting.

D. President's Review and Action

The President shall consider the record and the findings, conclusions, and recommendations of the Review Board. Based upon such review and without conducting a further hearing, the President shall, within ten (10) business days, do one of the following:

- a. Accept the recommendation of the Faculty Review Board.

b. Request the Faculty Review Board reconvene, hold further proceedings, and issue a second recommendation.

c. Reject the recommendation of the Faculty Review Board because the Board's findings were contrary to the information presented and either uphold the termination or order reinstatement. If the President rejects the recommendation, s/he will do so in writing, to the Faculty Review Board and to the faculty member. The decision of the President shall be final. *Biff's claim that the Faculty findings were "contrary" to the info. presented at the hearing is completely unsupported.*

E. Confidentiality

To the extent possible, administrators and Review Board members will maintain confidentiality with regard to any Review Board process or decision.

V. Termination of Faculty Due to Program Discontinuance

According to Utah Board of Regents Policy R481, "Bona fide program discontinuance means the termination of a program ... for reasons based upon educational and academic considerations ... [and] must be based on evidence and reflect judgments that in the long term basic educational mission of the institution will be strengthened by discontinuance of the program.

A. In the same policy, a "program" is defined as a unit within the College with an identifiable teaching, research, or other academic mission with an identifiable group of faculty and meets other specific criteria listed in the Utah Board of Regents Policy R481.

B. Bona fide program discontinuance requires the approval of the Board of Regents and shall include "teach out" provisions.

C. Before dismissing a tenured or non-probationary faculty member because of bona fide discontinuance or a program, the administration, with faculty participation, shall make a reasonable effort to place the affected faculty member in a suitable, vacant, existing position for which the faculty member is qualified within the institution.

D. A tenured or non-probationary faculty member to be terminated for bona fide program discontinuance has no right to displace another faculty member or staff employee from a position in order to maintain employment.

E. Terminations of probationary (non-tenured) faculty due to program discontinuance shall be handled following the standards outlined for non-reappointment of probationary faculty in the Faculty Retention, Promotion, and Tenure policy.

F. The College shall give a tenured or non-probationary faculty member being terminated due to bona fide program discontinuance not less than six (6) months notice of non-continuance.

VI. Termination of Faculty Due to Financial Exigency

. Bona fide financial exigency requires the approval of the Utah Board of Regents, and only under very unusual conditions after all other feasible alternatives have been explored.

A. In the case of a bona fide financial exigency, Dixie State College of Utah shall be governed by all standards and procedures outlined in Utah Board of Regents Policy R482, Bona Fide Financial Exigency and Personnel Reduction, including faculty terminations and reinstatement.

Other Revisions:

Revised: 03/15/01

Revised: 05/03/02

Revised: 05/02/08

School of Visual and Performing Arts
Jeffery W Jarvis, Dean
(435) 652-7792, office
(501) 733-3162, mobile
jarvis@dixie.edu

MEMORANDUM

TO: Bill Christensen, Provost
FROM: Jeffery W. Jarvis, Dean, School of Visual & Performing Arts
DATE: December 8, 2014
RE: Professor Varlo Davenport

This memo is to confirm my verbal recommendation to you, delivered in person on Friday afternoon, December 5, 2014.

It is my recommendation that:

1. Professor Varlo Davenport be suspended with pay immediately, pending action on my recommendations below.
2. Further, that Professor Davenport be terminated as a faculty member in the Department of Theater & Dance.
3. Further, that University Attorney Michael Carter be consulted regarding Chief Don Reid's questions about the advisability of filing criminal charges against Professor Davenport.

In support of these recommendations, I offer:

- Theater Chair Mark Houser's report of class events of November 21, 2014 in THEA 1033 (Acting 1), involving Professor Davenport and Ms. [REDACTED]
- That Professor Davenport assaulted Ms. [REDACTED] (a student) in class, both verbally and physically. *Though he admits he doesn't know.*
- That Professor Davenport engaged in acting exercises intended to 'explore' deep emotional states, without setting pre-determined safe zones for students. *← Sworn testimony refutes this*
- That Professor Davenport, on many occasions, has conducted classes in a manner leading to student complaints to Dean of Students Del Beatty. *→ Never documented*
- That Professor Davenport, on at least one occasion, has threatened colleagues in theater faculty production meetings. *Never documented*



December 5, 2014

William J. Christensen, Ph.D.
Executive Vice President
Chief Academic Officer

Professor Varlo Davenport,

This letter confirms my meeting this afternoon with you and Dean Jeff Jarvis, in which I, on behalf of Dixie State University, gave notice of dismissal and termination of your appointment.

At that meeting I also notified you that effective immediately you are temporarily suspended, with pay, from all duties until a final determination has been reached (see Policy 3.5.IV). During this suspension you are also prohibited from being on DSU's campus. *How did this prevent him from gathering evidence in his defense?*

Policy limits case to "cause" the only the listed here. →

This letter fulfills DSU's requirement to provide notice of dismissal for cause (Policies 3.5.IV.A & B). The cause is serious misconduct that took place in one of your acting classes (THEA 1033-02) on 21 November 2014, involving a student [REDACTED]. The student claims to have been verbally and physically assaulted, including being grabbed and pulled/jerked by the hair. This incident has been corroborated by others who were eye witnesses to the incident. I have attached a copy of the full report, with details.

You have specific rights and I urge you to read and understand our policy. For example, you have the right to due process, "... including the right to contest the information before an impartial board of faculty peers," (Policy 3.5.IV.B.iii). *But NEVER had chance to question/confront accuser or witnesses against him.*

Policy provides you up to 30 calendar days (i.e., until 5 January 2015) to refute, by written request to DSU's Human Resource Office, the cause(s) stated in this notice of dismissal. In that case, Policy 3.5.IV.C&D, provide for the formation of a Faculty Review Board and outlines the procedures under which it must operate. The Faculty Review Board has up to twenty (20) business days after the receipt of your request to the Human Resources Office in which to schedule a meeting. At that meeting you have the right to be accompanied by two persons or advisors, including legal counsel. The Review Board then has up to twenty (20) business days after the meeting to release its findings. Finally, DSU's President reviews the record, findings, conclusions, and recommendations of the Review Board and renders a final decision within ten (10) business days after receiving the Review Board's decision. If you choose not to refute the cause(s) of dismissal, your dismissal will automatically become effective on 5 January 2015. At any point in this process you also have the option of resigning your appointment.

I have only cited portions of the applicable policy in this letter, and I urge you to review the entire policy (dixie.edu/humanres/polfac.html). If you have any questions please contact Dean Jarvis, Will Craver, or me.

Sincerely,



William J. Christensen

cc: Richard Williams, Jeff Jarvis, Will Craver, Michael Carter

COMPLAINT AGAINST FACULTY MEMBER

Faculty Member's Name: Varlo Davenport

11/24/2014

Recommendations: It the recommendation of the Chair that Professor Davenport be removed from the classroom immediately and placed on administrative leave until a final decision is reached by upper administration in consideration of the continuance of his contract. Beyond that, it is the Chairs recommendation that professor Davenport's contract with DSU Theatre department be terminated entirely, based on the destructive nature and trend in his classrooms, the level of unceasing unethical behavior toward students and faculty, lack of professionalism and the general sense of terror that exists among the students in (and outside of) the department. The Theatre department has been losing a steady number of students each year due to the atmosphere that is being promoted by the performance faculty in general. Progress cannot be made if we are deterring students from our program.

Overview

ACTIONS IN QUESTION:

(Occurred November 24, 2014, previous complaints reported by students concerning the faculty member. Chair, Dean and Dean of Students are involved. The Dean of Students is willing to provide documentation regarding the 6 year history of similar complaints regarding.

- None documented

- No complaints ever produced

At 4:03 PM I received a phone call from [REDACTED], mother of [REDACTED] (one of our DSU students, a non-theatre major), reporting that her daughter had been physically, verbally and emotionally abused in her Acting class. She advised that they wanted to file a formal complaint. [REDACTED] is currently taking Professor Varlo Davenport's Acting II course.

I advised [REDACTED] mother immediately that I would need to talk to [REDACTED] directly, if she was comfortable with that. She agreed.

[REDACTED] proceeded to report that on Friday, November 21, 2014 during an exercise in acting class, while rehearsing with her partner, professor Davenport grabbed her head and pulled her hair as hard as he could and would not let go until she got mad enough to say her lines the way he felt she should.

[REDACTED] reported that at first, professor Davenport was pushing her verbally to get to the heart of the emotions of the piece. She remarked that he then proceeded to have two classmates push her around and pull her hair. She then reported that when that did not seem to work he asked her to think deeply about someone she may be close to who is a drug addict. The scene revolved around that scenario. [REDACTED] then stated that she broke down and was not able to do the scene due to the thoughts [REDACTED] who is an addict. She states that she attempted to do the scene but when she didn't get to where Professor Davenport wanted her to get emotionally, he grabbed the top of her head of hair and pulled it back as hard as he could while yelling at her to say her lines. He proceeded to do this for a long period of time. She stated that she could not finish the scene and when he finally let go of her hair, she just broke down completely and cried the remainder of the class. She reports that she wanted to leave but was too afraid it would make him angrier than he already was and that she was also afraid it would affect her grade.

*Sounds
Prejudicial*

She went home and told her mother, who made her write everything down.

I proceeded to inform her of the reporting and complaint policy and procedure as outlined in the student handbook. I also asked if she felt comfortable enough to talk with Professor Davenport about the situation before we went any further. She replied that she is not comfortable talking to Professor Davenport and that she feels very violated and threatened. She stated that she is very afraid to return to the class.

I further advised her to provide me with a written or email statement detailing what happened in her own words. I then asked her if she was comfortable with and desired that this information be provided the Dean of VPA and the Dean of Students. She replied yes, definitely.

I advised her that we would investigate the situation and do our best to resolve the matter and make it comfortable for her to return to school. I assured her we will protect her and again informed her of her student rights.

I also advised her that if anything like this is to happen again to let the dean and I know immediately and in person if possible. I also advised her to be aware of anything that may seem retaliatory and to report that asap, so we can keep the situation in check. I provided her with my information and asked her to meet with me upon her return from vacation next Monday. She agreed.

11/25/2014 Consultation with the Dean and the Dean of Students

After consultation with the Dean, the Chair and the Dean of students met on November 25, 2014, to discuss solutions to ensure a safe environment for the student to return to school. The Dean of Student, VPA Dean and the Chair are all in agreement that if she is that uncomfortable she and does not wish to return to the class, we can work with that and provide her with a final grade for the semester. The Dean of students will work with the student, [REDACTED] to help her cope with the situation and feel comfortable coming to school again.

12/1/2014

Department Chair met with [REDACTED] 2:14 PM in which Taylor was asked to state her account of the situation in the Acting I course on Friday, November 21, 2014. Ms. [REDACTED] is a non-theatre major.

[REDACTED] account directly paralleled the report provided in writing to the Department Chair by [REDACTED]

Ms. [REDACTED] stated that in the process of rehearsing their scene, professor Davenport asked two students to get up and try to annoy [REDACTED] to get her to react, by poking at her and pulling her hair. [REDACTED] did not get to where Professor Davenport wanted her to go, so he asked her if there was anyone close to her that was a drug addict. [REDACTED] then broke down and was not able say her lines. She stated that [REDACTED] also seemed sick and horse to begin with, so getting her lines out seemed difficult in the first place. The professor then proceeded to yell at her and pick on her to try to get her to yell. [REDACTED] told him she could not say her lines and continued to

cry. Because she was not saying her lines or getting to where the professor desired her to go, he was getting frustrated with her and started pulling her hair really hard, enough that her face was straight up and she looked like she was having trouble breathing. She was not able to say her lines and Professor Davenport kept yelling, repeating, "say your lines". He then let her hair go but started to pull on her shirt violently backwards to try to get her mad. This went on for about 4-5 minutes until the Professor finally gave up. The entire class was extremely tense and uncomfortable with the situation. Ms. [REDACTED] mentioned she found herself questioning whether this was normal procedure or not. [REDACTED] sat down and continued to break down and cry for the remainder of the class. Ms. [REDACTED] approached [REDACTED] with another classmate after class to make sure she was okay and to apologize for what happened. When she was asked if the professor explained what he was going to do or intended to do, Ms. [REDACTED] replied no he did not. She was then asked if Professor Davenport asked if he could touch the student in any way and she replied no, he just marched right up to her, frustrated and grabbed her hair, which the entire class felt extremely uncomfortable with.

Department Chair met with [REDACTED] 3:56 PM in which she was asked to state her account of the situation in the Acting I course on Friday, November 21, 2014. Ms. [REDACTED] is a non-major.

Ms. [REDACTED] comments paralleled the other two accounts directly.

Ms. [REDACTED] stated that in the process of rehearsal between [REDACTED] and [REDACTED], professor Davenport became frustrated because he was not getting out of her what he wanted her to do. His desire was to make her mad and get her to yell. [REDACTED] attested that [REDACTED] seemed like she had a cold and was having trouble speaking, let alone project or yell loudly. She states that the professor asked her and [REDACTED] (?) to come up and start pushing [REDACTED] around and pulling her hair to get her to yell and become mad. That was not working and so the professor had them sit down. The professor then starting asking [REDACTED] questions and asked her if she knew a drug addict. He then asked her to use that to get herself mad. She then started to break down and cry really hard. Professor Davenport just kept prodding her to say her lines. He didn't stop. The professor then, frustrated himself, started pushing and bullying [REDACTED] pretty heavily and when she still was not getting where he wanted her to go, he grabbed her by the hair quite hard. It looked like he was pulling really hard because her neck was all the way back and she could not say her lines. She just kept crying. She stated that at this point the entire class was shocked and got very quiet and uncomfortable. She wondered if this was really how actors are trained and accepted that it must be, but still felt uneasy about the situation. She further explained that [REDACTED] just sat down, exhausted afterward and continued to sob the rest of the class, despite the class lightening up from there.

When asked if apologies were made, [REDACTED] reply was no, no apologies were made. When asked if the professor explained what they were about to do or if they asked if they could touch the student, Ms. [REDACTED] reply was, I don't recall him asking or explaining anything.

[REDACTED] and [REDACTED] both approached [REDACTED] after class to check and see if she was okay. They both stated she was still crying and very upset. They told her that should have never happened and that they were sorry it happened to her.

There are no quotes. why didn't these witnesses sign the statement Mark wrote?

NOTES:

Ethical Misconduct as defined by the American Association of University Professors

AAUP's *Statement on Professional Ethics* provides that faculty should "avoid any exploitation, harassment, or discriminatory treatment of students," and that "professors do not discriminate or harass colleagues. They respect and defend the free inquiry of associates." *Redbook* at 133-34. See, e.g., *Korf v. Ball State University*, 726 F.2d 1222 (7th Cir. 1984) (upholding dismissal of faculty member for violation of professional ethics based on AAUP's statement); *Filippo v. Bongiovanni*, 961 F.2d 1125 (3rd Cir. 1992) (upholding dismissal by Rutgers University of a tenured chemistry professor, relying in part on the university's adoption of AAUP's professional ethics statement to find the professor had "exploited, threatened and been abusive" to "visiting Chinese scholars brought to the University to work with him on research projects"); *Yao v. Board of Regents of The University of Wisconsin System*, 649 N.W.2d 356 (Wis. App. 2002) (upholding board's decision to dismiss professor for "intentionally tampering with a colleague's laboratory materials"). The entire article can be found at: <http://www.aaup.org/issues/appointments-promotions-discipline%2%A0/termination-discipline-2004>



Department Chair Signature Mark Houser

12/4/2014

Date 11/25/2014

From Campus Security
Don Reid

I received a phone call from [REDACTED] father at approximately 14:00 hours on Friday, 12/5/14. He asked if we were a certified state police agency capable of doing criminal investigations and filing charges. When I answered to the affirmative he asked if he and his wife could meet with me. I met with [REDACTED] and her parents approximately a half-hour later.

As is standard procedure with any formal interview that may lead to a possible criminal investigation I asked [REDACTED] to state her full name and date of birth. When she gave me her date of birth I stopped her and asked, "then you are 17 years old"? To which she answered, "yes". The parents added, "yes, that is the main reason we're here".

At that point I advised them that they have the right to speak for [REDACTED] and to deny an interview by police without the presence of an attorney even though she is not being questioned as a suspect. I advised them that without an attorney they would carry the burden of allowing [REDACTED] to make any statements that are in her best interest ... or not.

They said they understood and with that I advised them that since I had already read [REDACTED] initial statement I would prefer that she simply tell me what happened in her own words. (It should be noted that she did not veer in any way from her written statement or of that of the two witnesses). The following is a synopsis of her account:

Where?

[REDACTED] said that on the day in question she and her partner were supposed to do their "scene" first and as she entered the class room Professor Varlo Davenport instructed her to take a seat in the center of the room, facing the rest of the class (approximately 10 to 12 other students). She said that she was to state lines that required them to argue and the professor started pressing her to "get louder". [REDACTED] says that as she began reading the lines the professor kept telling her to start over and make the statement "louder". She said that she was embarrassed and "yelled as loud" as she could, but that the professor was "getting angry".

She said that the professor seemed to be frustrated and since the play is about a drug addict he asked her to think about someone in her family who uses drugs. She states that at this point she became emotional. She said that the professor then asked a couple of fellow students to come forward and start "pushing" her and pulling her hair, and flicking her eyelashes to make her angry.

I stopped [REDACTED] at this point and asked if those two students seemed uncomfortable with what they had been asked to do, and more specifically if they had indeed "pushed" her in the sense of knocking her off balance. She said they did seem a little uneasy and that they were timid in the way they carried out the request. I then asked [REDACTED] to show me specifically how they carried out the request. She began by indicating that they didn't really push her but sort of nudged her. Then she reached up and grabbed a few strands of her hair at the side of her face and gently pulled it across her eyes. To which I asked, "then is it your perception that they actually "'pulled' your hair"? To which she answered, "no", they didn't want to. They apparently just laid her hair across her eyes to irritate her.

I then asked [REDACTED] if the professor had asked fellow students to come forward and irritate other students in a similar or controlled situation, physically or otherwise. She answered that she may have recalled that the professor may have directed other students to intimidate or stimulate a student to "dig deeper for the purpose of acting" (my words), but that he had never before gotten involved himself. She said that she could not recall that the professor had ever instructed those students to get so physical.

[REDACTED] said that as the incident continued she began to cry and that because she was crying so hard and at the same time trying to yell as loud as she could, her throat became dry and she started coughing. She said that another student intervened and asked the professor if she (the other student) could get [REDACTED] a drink of water. [REDACTED] says that the professor seemed irritated by the interruption but agreed.

[REDACTED] then goes on to state that the professor walked up and as he yelled at her he "gathered" her hair at the back of her head and began to pull it downward, pulling her face toward the ceiling. She says that she began trying to pry his hands from her hair at that point and he began pulling harder. She said that she physically resisted to no avail and eventually just "gave in".

[REDACTED] said she knew that the professor was personally "angry" with her, that she was "embarrassed", that she feared his anger and physical behavior might increase, and that she was "afraid" that he would fail her. When I asked at what point the incident discontinued she said that she simply stopped trying to state her lines and remained quiet. She said she just stopped responding and continued to cry until he finally stopped. She said that this occurred over the bulk of the entire class period.

[REDACTED] admitted that she feels less capable or skilled than any of the other students in the class and that she knew the professor didn't like her. She said that he had declared to the class on many occasions that she is the "least competent" of all the students. I asked [REDACTED] if the professor had in any way apologized. She said, "no", and that in fact he said he "felt sorry for anyone who" had to be stuck with a "whiney partner". [REDACTED] indicated that her grade in the class to this point was [REDACTED] as a result of assignments required for the course on "Canvas", not the professor's opinion of her abilities).

By the end of the interview [REDACTED] parents asked my opinion and advised me that they had consulted an attorney. I advised them that there are three types of law in America; criminal, civil, and procedural. I told them that had the administration failed to respond, (or attempted to diminish or "sweep this under the rug"), there would be a strong civil tort as a failure of *in loco parentis* liability. I advised that from what I had seen to this point the administration acted immediately and appropriately to protect her once the issue had been made known. They agreed.

I then explained the elements of the statute of assault and battery and advised that a prosecutor has the right to file or deny charges based upon the totality of circumstances and

whether or not they believe they have a prosecutable case. I explained that "relationships" always play a role in that perception, meaning that if it were agreed that a certain degree of intimidation for the purpose of demonstration in an acting class was a predetermined component of the course, a defense attorney would surely exploit that fact. I then gave the observation that "justice" is an important aspect for any victim of any kind of assault and that "*healing*" usually only occurs when true *justice* is met.

Then I offered the fact that conversely, if punishment overreaches the crime, victims often then feel guilty and there is no healing, and I explained that that is why it is so important for the victim to have some say in how far a sanction should go. I asked [REDACTED] how far she wanted to pursue this and assured her that if she felt a need that the professor in this case be arrested and charged, I would certainly conduct a full investigation and file a complaint request if appropriate.

At that point the parents indicated that they would like to wait and see what sanctions the institution would be taking before deciding whether or not to **also** file criminal charges. It was agreed that no further investigation by me would take place until or unless I receive a more detailed witness statement by email. (Which has not happened to date).

Date: January 5, 2015^{wp}
To: Mr. Will Craver, Director of Human Resources, Dixie State University
Dr. William Christensen, Executive Vice President, Academic Services, Dixie State University.
Re: Request for meeting before DSU Faculty Review Board, delivered January 5, 2015.

In response to the directive of yours of December 5, 2014, I do hereby submit in writing some of the primary reasons I refute the proposed action of dismissal against me. I request that, pursuant to your letter, the Faculty Review Board schedule a meeting to consider all of the reasons that I refute this dismissal.

I understand, based upon the information you have provided me, that the meeting will be scheduled within 20 business days of your receipt of this written request.

This Faculty Review Board hearing, this exercise in academic self governance, is the ultimate expression - really the very reason for for the tenure system. An professor has been accused of inappropriate behavior, and is afforded the opportunity to heard out by a panel of peers. In this case, a student reports actions in an Acting class believed to be assaultive, and there are two corroborating witnesses. Well, as I understand it, there were three witnesses interviewed initially - but the third witness didn't corroborate the narrative of the incident, and so his statement was left out.

Further, not a single witness, nor the complainant herself presented a first-hand account, let alone sworn testimony.

What I will show is that what was going on in that class on that day was an exercise in physical resistance, a relatively common approach in actor training.

In her article Academic Freedom: A Guide to Major Court Cases, author Fran Lehr states:

The right of teachers to raise controversial issues and use controversial teaching methods has also been upheld by the courts-with some limitations. Commenting in *Mailloux v. Kiley*, 323 F. Supp. 1383 (Mass., 1971), . . . United States District Court Judge Wyzanski wrote that

... the heterodox as well as the orthodox are a source of individual and of social growth. We do not confine academic freedom to conventional teachers or to those who can get a majority vote from their colleagues. Our faith is that the teacher's freedom to choose among options for which there is any substantial support will increase his intellectual vitality and his moral strength.

Judge Wyzanski further noted that, while the teaching method used would probably not be supported by most teachers, it was nonetheless relevant to the subject and students and served a serious educational purpose, and the teacher could not be dismissed for using it unless he had been "put on notice" not to do so. (<http://www.jstor.org/stable/816506>)

When I met with Drs. Christensen and Jarvis, and was informed of these charges, it was stated or implied that part of what I would need to show in my defense was that the techniques I utilized in class have pedagogical support and are practiced in other programs. In order to accomplish this, I need to provide some insight into the study of Acting.

Despite the stereotypes you see in the media about actors, “acting” and learning how to “act” are both very difficult, and the relationship between the student and instructor is complex. As Dr. Ross Prior states in his landmark book *Teaching Actors, Knowledge Transfer in Actor Training*:

Difficult as it is to pin down, acting seems to be more than a checklist of practical skills, although undoubtedly performance skills (for example, voice control) are important. However, enabling skills are also essential if the actor is to continue to grow on their own . . . ‘unlike other forms of education, an acting teacher or coach is concerned with your entire being as an artist – emotional, mental, physical, and spiritual.’ (58)

In addition to relearning very basic skills, such as how to breathe, stand, speak and move, you are expected to be well educated too. As Richard Boleslavsky says in *Acting: The First Six Lessons*:

One can discuss Shakespeare, Moliere, Goethe and Calderone only with a cultured actor who know what these men stand for and what has been done in the theaters of the world to produce their plays. I need an actor who knows the world’s literature and can see the difference between German and French Romanticism. I need an actor who knows the history of painting, of sculpture and of music who can always carry in his mind, at least approximately the style of every period, and the individuality of every great painter. I need an actor who has a fairly clear idea of the psychology of motion, of psychoanalysis, of the expression of feeling. I need an actor who knows something of the anatomy of the human body, as well as the great works of sculpture. All this knowledge is necessary because the actor comes in contact with these things, and has to work with them on the stage. This intellectual training would make an actor who could play a great variety of parts.

Additionally, you are expected to have understanding of, connection to, and control of, your memories and emotions, your essential humanity. You bring those skills and sensitivities to a script and the rehearsal process, and then you are expected to go before a crowd of strangers and represent the best and worst of human behavior in the most honest way possible.

To do this requires a willingness on the part of the student to explore personal feelings and experiences that will make them emotionally vulnerable while they learn to make real, emotional connections to the text, as well as the life they are portraying.

Of training Prior explains:

...the body of the actor must undergo a special kind of development such as developing 'extreme sensitivity of body to the psychological creative impulses (27).

While acknowledging that there seems no substitute for experience, training is viewed by many writers in the field to play a significant and essential role in the development of beginning actors, particularly in the mastery of technique that enables the actors to *feel* more effectively. (32)

Constantin Stanislavski, the great Russian director and theorist, in *An Actor Prepares* states:

In order to express a most delicate and largely subconscious life it is necessary to have control of an unusually responsive, excellently prepared vocal and physical apparatus. . . . That is why an actor of our type is obliged to work so much more than others, both on his inner equipment, which creates the life of the part, and also his outer physical apparatus, which should reproduce the results of the creative work of his emotions with precision. (16)

It doesn't help that you are also supposed to make the work appear effortless - and that in the average audience member's eyes you are not being compared to your peers, those of your age and range of experience. No, your effectiveness and talent is judged and evaluated against the professionals the audience has seen on TV, in movies and on the professional stage.

At the most basic level of instruction, you have the Acting class.

The written material on this subject could fill yards and yards of library book shelves. However, the definitive Acting text has not been written - there is no "one size fits all technique." So, like most acting instructors, in my work I draw from all possible sources: Greek and Roman mask work; improvisation and commedia techniques from the middle ages; the rhetorical, literary traditions of the Renaissance; the head centered, psychological techniques of the Modern Era; and, most effective in my experience, the highly physical techniques developed by post-Stanislavski practitioners such as the Polish director Jerzy Grotowski, and the Russians Meyerhold, Vakhtangov and Michael Chekhov. I come to class with a lot of tools from the pedagogical toolbox, which vary in usefulness depending upon the given situation.

Robert Welker in his book *The Teacher as Expert*, (1992 SUNY Press) writes "What stories and descriptions of good teaching tell us . . . is that no one method can be successful in every instance. Many acting coaches do instinctively what they cannot readily discuss, which suggests that tacit knowledge carries with it high levels of expertise.

In fact, it is this concept that is used to describe the startling inability of experts in a variety of fields to explain the brilliant strategies which carried the moment. This observation reveals a new appreciation of the complexity of human understanding.

Expertise appears to mean far more than having the right answers of formulating rules and principles to govern professional behavior. It refers to that sense of familiarity which, though grounded in experience and practice, appeals primarily to senses of intuition and 'feel'. (Prior 94)

That said - I'll try and walk you through the major approaches.

Many acting classes start with what is commonly called "The Method," which was developed by Constantin Stanislavski.

From his earliest work he employed a technique called "affective memory" where, in trying to reach the appropriate emotion for a scene, you search your own life experiences to try and find analogous situations. You re-visit those experiences and emotions, and then practice your scene.

The problem with this technique is that we as human beings emotionally insulate from our psychological trauma, often making past experiences inaccessible or, in some cases, too accessible, potentially leading to other problems.

My preferred educational strategy comes from the methodologies of Sanford Meisner and Michael Chekhov, both of whom move away from the personalization of Stanislavski's affective memory, encouraging the use of the actor's imagination instead.

Yet, just as educational theory advocates the idea that there are a variety of learning styles for students of standard academic subjects, the same holds true for actors. For some, neither of these aforementioned techniques will work.

Grotowski, Meyerhold and Michael Chekhov and a number of different French movement specialists each created versions of what we refer to as exercises in physical resistance. This may mean having the student do exhausting exercises to lower their inhibitions and bring emotion closer to the surface. Some instructors develop elaborate movement patterns that students learn to reproduce exactly. Sometimes it means having other students, or the instructor, physically manipulating them with annoying, disruptive, uncomfortable and distressing behavior. It may involve pushing, pulling, creating pressure, distress and discomfort to get a reaction, and then working the scene as before, reinforcing that tenuous spark of connection.

Imagine your line in a play is "You can't handle the truth!" Presuming that neither of the first two techniques have helped you discover the reaction and line reading the scene needs, as a coach or director I might explore a variety of increasingly upsetting, even anger-inducing, stimuli to help you get to a level of frustration and ire that allows you, gives you permission, to explode with that line. exposing what you might consider your best or worst self - your essential, vulnerable humanity.

We spend so much of our time and efforts suppressing our emotional lives. If someone asks us how we're doing we very rarely tell them. I'm not saying anything new or original when I remark that displays of emotion are discouraged today. Passion is often seen as crazy. (My favorite example of this is Howard Dean's attempts to rally his troops during his failed presidential campaign in 2004.) Furthermore, honesty is set aside for the sake of social convention, putting us in danger of Thoreau's fear: that when we come to die, we discover we have not lived.

Joseph R. Roach in *The Player's Passion: Studies in the Science of Acting*, observes:

The unnatural experience of stepping out onto the stage, however, is, like vivisection, a trauma that impinges upon this free-flowing continuity of stimulus and spontaneous response. Stage fright – itself an adaptation to stress – threatens even the natural reciprocity of mind and body, which may be taken for granted under normal circumstances; it engenders a psychophysical paralysis, which frustrates the natural completion of even the most commonplace tasks.” (207)

As “Terry,” one of the coaches interviewed in *Teaching Actors* notes, to work past the blocks that sometimes arise in a student's work, “. . . you have to have a passionate temperament. It doesn't have to be mean. . . . I'm not mean in that sense, I'm not . . . I can be if I have to really push them for some reason . . . You've just got to be able to push them. (121)”

During the class in question, I was working with [redacted] and another student, [redacted], on a scene from Tennessee Williams' play, *Moon for the Misbegotten*. In this scene an Aunt confronts her nephew, who has a drug habit and exhibits highly self-destructive behavior. If I had known then that [redacted] had a family member who was dealing with this issue, I would have steered them away from that choice, but this is a scene she and [redacted] chose.

I asked her if she knew anyone who had a drug problem, she indicated that she did, (I didn't ask her who, that is none of my business.) I did ask her to explore those feelings as she went through the scene - this is an almost perfect, by the book “affective memory” exercise.

We had worked through Stanislavski's approaches; beat analysis, objectives, obstacles, and tactics. We had worked through the approaches of the post-Stanislavski theorists, Meisner, and others, focusing on prodding [redacted] imagination. Then, we moved into exercises that come from the movement school, Grotowski, Chekhov, Etienne Decroux, E. Reid Gilbert, techniques that move away from being head centered and psychological, and focuses on generating emotions from the outside in.

In Prior's text two acting coaches make the following statements

...you have to be able to see when the person is real or when are they not real. . . . You've probably seen actors who seem really good but you don't really listen to what they're saying and you can't figure out – well he's really good, he's got a great voice, he seems to be connected. He seems to be doing this, but just not involved in what he's doing.

Why? The reason is, is because he's not really there. He's learned to fake it so well, he's facilitating the being state so well, that the mind is fooled, but nothing is coming across, the magic is not coming across. (134)

I've trained my eye to where I don't see believability unless it's coming from real impulses. If our impulses are being stifled from the left side of the brain, I can see that. And it's not believable to me. So what I want is somebody who's actually in the 'being' state not a 'doing' state. (135)

Why spend that much time with [redacted] why go through all that? Because, as she was working on the scene she was repeatedly giving a flat, emotionless, lifeless, uncommitted performance. Because as tentative as she was, as many times as she had missed class, as much as she tried to not engage with her scene partner, I had seen a spark of potential in [redacted] and I wanted to try and draw it out.

In the primary text we use in class, Michael Shurtleff's "Audition" there is one guidepost called "conflict." In its simplest form this guidepost asks the actor to determine what it is that their character is **fighting** for. Mr. Shurtleff emphasizes that this should be something they **fight** for, not something they sort of, kind of might possibly want. He then remarks that for some reason actors student actors seem to try to do everything they can to diminish or diffuse the conflict.

In working with the scene, trying to elicit an organic response, I moved on from the earlier approaches to having two students give [redacted] resistance, trying to frustrate her, to get any response. They were very hesitant, and so weren't effective. There had been moments of real promise in [redacted] work, so I stepped in to see if I could help her push through the walls she had built up. I don't remember everything I tried with her; I know I pulled on her blouse, tapped on her forehead, and put her hair in her eyes. At one point I grasped the hair at the back of her head and pulled it downward at an angle, so as to be an irritant, but not to illicit pain. This comports with all the training I know, and all I have ever been taught regarding the manner in which inner-emotions are evoked. After the class she [redacted] was upset, but that is an incredibly common reaction to the hard work of actor training.

You have statements from [redacted] and two students who were in the class, I will supply you with alternative witness statements that will dispute their misperceptions.

statements written by Mark
not only statements but sworn testimony.

Did I ask her to yell, to jump into the scene with both feet? Yes.

As Dean Brooks, a professional acting coach and former student of Lee Strasberg states:

The multiple choices you make should be the strongest and the most risk involved. It is not for sissies. But without risk, what is the point of being actor. You can't paint by the numbers. We have all seen that done, and for the most part it is boring. So, again you must make the boldest choice if you wish to be a good actor. The choices you make will

set the tone and action of the work. All of which is grounded in **Truth**. The character's truth then becomes your truth. (<http://deanbrooksdailyactingtips.com/>)

Oleg Arnson writes in his article *The Actor's Body*:

The stage actor has to exaggerate, to bring attention to details that the viewer often cannot notice even from the first row.

There are many actors who have wonderful emotions in many areas of human feeling with very good and faithful adaptation. But oftentimes, these actors can make a strong impression only at intimate rehearsals when the director and the viewers sit close by. When transferred to the stage, which demands greater vividness, the same adaptations pale and fail to make it across the footlights – and even if they do, it is in a form that remains insufficiently vivid or theatrical. <http://www.tandfonline.com/doi/abs/10.1080/0952882032000166143#.VKjqafWJ>
OuY

Did I give ██████████ physical resistance, something to fight against, in the effort to generated an organic response?

Why? Because I was using every technique I knew to try and help her find the emotional truth of her scene.

Since our meeting I have been engaged in a great deal of reading and also conversing with colleagues around the country. Many were shocked that this had even come up - but it has become clear in my mind that more universal guidelines or protocols should be discussed and developed in the field of theatre at large.

At the beginning of every Acting class I tell students that through the semester I will stress them, I will challenge them, and that I will push every button they let me push, but when they say stop, we stop. There are a number of students who can verify this. I think ██████████ may not have been in class the day we discussed it. I understand now that I need to put in writing, statements in my Acting class syllabi similar to those in my Voice and Diction classes outlining the situations where physical interaction might be warranted, explaining why it might be used, but ensuring and assuring that every student has the option to say “no” to that. If acceptable to the University's legal counsel, I would like to develop something similar to what is found on the last page of the Pasadena City College syllabus, and have students return a signed copy of the disclosure page.

(As a side note, I also recommend the program develop an “Acting for Non-Majors” course that might better fit the wants and interests of those students who simply want to explore the discipline rather than undertake professionally-minded study.)

As I said earlier, in the meeting I had with Dr's Christensen and Jarvis, Dr. Jarvis intimated that I'd have to somehow prove that this was part of a pedagogy.

I have letters of support from well respected theater educators from throughout the state and around the country who confirm that what I was doing the technique I was using in class is a known pedagogical approach to working with actors. I will provide you with copies, but I wanted to include a statement from one of the performance instructors at the University of Utah:

Wow! A good reminder of just how lucky we are in our department! I couldn't give you any quotes but I was pushing and pulling students around today in the name of helping them to feel what I was talking about, and I often push students--I usually warn them/ask them if I can do it--and then get them to do it to each other or to me....it is second nature to me to play/work physically with my students... (Private letter from Prof. Robert Nelson)

I have syllabi from around the State and country that includes statements that the Instructor may find it necessary to make contact and physically interact with students.

I also have numerous articles and textbooks addressing the approach.

And I have respected instructors from around the State who if schedules allow, are willing to testify before the Faculty Review Board.

I also have current and former students, and Alumni, some of whom are working in the profession in New York and Los Angeles, some of whom have stayed here in St. George, who have given statements, or are willing to testify that I am very explicit in explaining to students the nature of the work we do, and that I put every effort into making the classroom as safe an environment as possible.

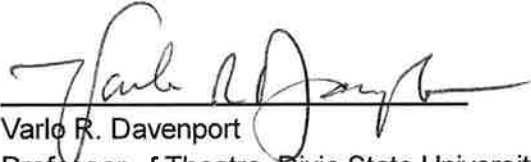
In Fran Lahrs article *Academic Freedom: A Guide to Major Court Cases*, published in *The English Journal*, Vol. 74, No. 1 by: National Council of Teachers of English, she states, "The right of teachers to raise controversial issues and use controversial teaching methods has also been upheld by the courts-with some limitations."

... in determining the validity of teachers' claims to academic freedom in the choice of methods and materials. the courts have relied on certain criteria. According to Hoy [EJ 154 880], these include (1) whether the assignment has a serious educational purpose, (2) whether it is appropriate to the maturity and background of the students involved, and (3) whether there are rules and regulations proscribing the assignment. To these, Stelzer and Banthin [ED 199 144] add such factors as whether professional opinion supports the teacher's choice of methods or materials, whether supervisors know about, accede to, or support the choice, and whether the choice is relevant to the course. In short, they say, courts expect teachers to use good judgment.

I wish I had been given the opportunity to explain and apologize to [REDACTED]. I have almost 25 years of teaching without any significant complaints from students - but despite my successes, this will be an incident that sticks with me.

This written request for a meeting of the Faculty Review Board is respectfully submitted and sets forth some of the reasons I refute my dismissal from Dixie State University. I am grateful for the opportunity to present all of the reasons.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Varlo R. Davenport", written over a horizontal line.

Varlo R. Davenport
Professor of Theatre, Dixie State University.

Overview

ACTIONS IN QUESTION:

(Occurred between August 2013 – June 2014, previous complaints reported by former junior faculty and students concerning the faculty member and the spouse in question. Chair was involved and aware but no official grievances were filed beyond the department level.)

No complaints support these claims (see below)

1. **Inappropriate behavior/outbursts during production meeting in which students and faculty members felt bullied and threatened.** During a production meeting in early June Professor Davenport blew up at the faculty and administrators who were present and issued what everyone perceived as a threat to the technical faculty. [REDACTED] a student present at the meeting, state that she was felt it was very unprofessional and was afraid of Professor Davenport so much afterward that he was considering leaving the department and school.
2. **Lack of respect and lack of effective communication with administration and other faculty**
3. **Clear disregard for confidentiality and procedure; especially chain of command**
4. **Requesting confidential information regarding the search committee for the Technical Director**
5. **Requesting confidential information regarding the search committee for the Scenic Design and Technology faculty position, after being warned about confidentiality with the Technical Director position**
6. **Release of confidential information exclusive to the Costume Design and Technology hiring committee, of which Professor Davenport was an interim member**
7. **Use of confidential information** by Professor Davenport and his spouse, Andrea Davenport, to **influence a new junior faculty member against administration.** The junior faculty member reports operating in fear, for the entire first year of employment, thinking administration did not want to hire them and that they would be looking for every reason to discontinue the contract. It was also reported that the anxiety created a distraction that pulled their focus and hindered their ability to think and work comfortably and effectively.
8. **Harassment of junior faculty member, conflict of interest, intervention in matters concerning Professor Davenport's spouse, Andrea Davenport.** Mr. Davenport attempted to mediate a heated discussion between his spouse and the same junior faculty member mentioned above, leaving the junior faculty member feeling bullied and intimidated by the couple.
9. **Admission of Professor Davenport and his spouse's discontent and "hatred" toward administration**
10. **Issuing veiled threats to junior faculty during production meeting, in the presence of multiple students,** one of whom was frightened and disappointed by the lack of restraint and unprofessionalism exhibited by Professor Davenport. The student reported to the faculty members and the Chair that she was considering leaving the program due the incident.

same event

The Dean and the Chair took action.

Warning I: The Dean and Chair reminded Professor Davenport of the policies regarding the confidentiality of information exclusive to hiring committee members as stated in the university policy and procedures. This was done in person and via email, in which a printed version and an electronic link

to policy were given to Professor Davenport. This was reported to HR after Professor Davenport was given the opportunity to respond according to due process.

Warning II: An additional reminder of the confidentiality policy was reiterated to Professor Davenport again after the second infraction. This was also reported to HR after Professor Davenport was given the opportunity to respond according to due process.

Warning III: Professor Davenport was reminded that a professional level of control is expected at all times, especially in collective faculty and production meetings, and especially when students are present.

After meeting with the junior faculty member involved, consulting with the Vice President and consulting with each other, the department Dean and Chair met with Professor Davenport and discussed the situations and actions mentioned above. Professor Davenport was provided due process per policy and procedure. Professor Davenport admitted openly that he may have divulged confidential information and that the actions were indeed things he needed to work on. Professor Davenport was avoidably apologetic. Administration made a firm commitment to support Professor Davenport in his recommitment to adhere to policy and procedure and to communicate more tactfully and effectively with administration, fellow faculty and students. Professor Davenport also agreed that he would not go around the department chair/director. Administration advised Professor Davenport to focus on doing the job he was contracted to do and to support and allow other in theirs without his interference. Professor Davenport also openly admitted to his deep distrust of administration and his spouses "hatred" for the Dean and Chair directly.

In consultation with V.P. Bill Christensen, VPA Dean Brent Hanson, and Chair of Fine Arts Mark Houser, it was deemed that **if significant improvements are not made, if the lack of professionalism toward students and faculty, and the disregard toward administration and confidentiality continues, it may be necessary to consider whether Professor Davenport should be allowed to continue his contracted work at DSU or not.**

Professor Davenport expressed his desire to have parameters set for improvement/assessment. The following parameters were established in a meeting between VPA Dean Brent Hanson, Chair of Fine Arts Mark Houser and Professor Varlo Davenport:

Professor Davenport was informed that if any of the following are not adhered to, production privileges will not be reinstated and further action, including termination may be sought.

1. _____ Interactions with students need to be tactful and non-threatening. No reports from students of gossip or confidential information originating from Professor Davenport. No reports from student of harassment during meetings or in the classroom. No reports of speaking adversely toward other faculty to students in class or otherwise.
2. **Re-evaluation in July 2015** _____ **Directing responsibilities will be revoked for one year beginning July 1, 2013 through June 30, 2014**, at which time, Professor Davenport will be reevaluated by the Department Chair and, depending on the report, responsibilities will be reinstated for improvement or remain revoked for a period determined by the Chair and Dean. Professor Davenport has requested parameters be created and perhaps a rubric or specific criteria be developed for the purpose of reevaluation. Administration has agreed to consider his request. However, as stated in the discussion, administration is confident that the discussion and the parameters conceived and agreed to in the discussion and on this form are sufficient for reevaluation purposes.

↑ None of this is related to the statement of cause.

↑ Why isn't any of this signed?

3. **Email Apologies only** _____ Professor Davenport will **genuinely apologize to the faculty and students involved, in person**

4. _____ It was suggested that Professor Davenport be required to attend some professional development seminars or conference(s) to help him improve his communication and collaborative skills.
5. **More disregard for and lack of communication** _____ Professor Davenport agreed to make a **concerted effort to communicate face to face with administration and to increase efforts to do so more clearly and in a timely manner.** The Chair and Dean have committed to communicate more effectively and transparently on their end also.
6. _____ **Professor Davenport and his spouse are to have no unwarranted contact with the junior faculty member and students involved. No retaliatory action, even perceived, will be taken against faculty, students or administration involved.**
7. _____ It was discussed as to whether Professor Davenport felt he could **continue operating as the department liaison for the NAST accreditation effort. All involved felt that he is capable of doing so and the assignment was maintained.** However, administration feels that **if any personal agenda is detected, the assignment will be reassigned** to another faculty member or to the department director.
8. **Done** _____ Professor Davenport requested that **someone else be assigned the KCACTF Liaison role. He was accommodated on the condition that he continued to liaise until a proper replacement was found.**
9. **This requirement was not met. The Chair has requested the recording, four times since the conversation, in order to finish the development plan and each time the request has been ignored.** _____ A recording of this conversation was made by Professor Davenport on his smart phone at his request. He was permitted to do so with the requirement that he would provide both the Dean and the Chair with a copy of the recording for reference in drawing up a development plan.

Further action taken by the Chair and Dean

1. **Andrea Davenport was recommended as indefinitely non-hirable to HR** on the basis of harassment of DSU Theatre faculty and failing to fulfill her responsibilities to the DSU Theatre Department under her contract for Camelot. Mrs. Davenport is no longer authorized for contract services or volunteer for the Theatre department, especially the costume shop, under any circumstances.

In consultation with V.P. Bill Christensen, VPA Dean Brent Hanson, and Chair of Fine Arts Mark Houser, it was deemed that **if significant improvements are not made, and if the lack of professionalism and regard to administration and confidentiality continues, it may be necessary to consider whether Professor Davenport should be allowed to continue his contract at DSU or not.**

Department Chair Signature Mark Houser

6/20/2014
updated –
11/25/2014

Again... why not signed?

file

Confidentiality

From: Houser, Mark houser@dixie.edu
Subject: Confidentiality
Date: May 20, 2014 at 4:06 PM
To: Davenport, Varlo davenport@dixie.edu
Cc: Craver, Will Craver@dixie.edu, Hanson, Brent Hanson@dixie.edu

Varlo, allowing for due process, you may choose to respond to this email. I am also cc'ing HR on this email per my responsibility to institution policy. Any further discussion on the matter should include HR.

I was recently informed by a faculty member of an incident that took place on August 12, 2013 involving the dissemination of confidential search committee information. They informed me that while helping them move, Andrea Davenport advised them that "they were not the top candidate for the position" and that "the department director did not want them here." The faculty member also said Mrs. Davenport continued to demean administration until Mrs. Davenport's daughter, Hanna Davenport, asked her to stop and told her "we shouldn't be talking about them that way." The faculty member further explained that the incident left them afraid of administration and has distracted them from doing their job all year.

I chaired the committee for the position Mrs. Davenport was speaking of. The information Mrs. Davenport disclosed could only have come from a privileged search committee member, who was involved in the interview and final decision process. Mrs. Davenport's husband, Professor Varlo Davenport was assigned to the committee during that part of the process. The committee was continually reminded that all information relating to the search was confidential and not to be shared or discussed outside the committee.

Per policy, it is my obligation as an administrator of the department to report this to HR and place you on warning. This is a serious violation of many policies. It especially contradicts the responsibility we have to uphold such policies as search committee members and professional faculty members of the institution.



Mark Houser
Chair of Fine Arts
/ Theatre Program Director
Dixie State College
Theatre Department
435-879-4384

About
Confidentiality

From: Davenport, Varlo davenport@dixie.edu
Subject: Yesterday's email
Date: May 21, 2014 at 12:31 PM
To: Hanson, Brent Hanson@dixie.edu, Houser, Mark houser@dixie.edu
Cc: Craver, Will Craver@dixie.edu

I just wanted to let you know that I met with Will Craver this morning and we discussed the content of Mark's email. I apologize for any breach of policy I may have committed. I want you to know that I take this seriously, and I commit that nothing like this will happen again.

Thank you,

Varlo

Sent from my iPhone

From: Houser, Mark houser@dixie.edu
Subject: CONFIDENTIALITY
Date: May 20, 2014 at 4:06 PM
To: Craver, Will Craver@dixie.edu

*Confidentiality again
How is this relevant?*

In a meeting held on May 8, 2014, I was informed by a faculty member of an incident that took place on August 12, 2013 involving the dissemination of confidential search committee information. They informed me that while helping them move, Andrea Davenport advised them that "they were not the top candidate for the position" and that "the department director did not want them here." The faculty member also said Mrs. Davenport continued to demean administration until Mrs. Davenport's daughter, Hanna Davenport, asked her to stop and told her "we shouldn't be talking about them that way." The faculty member further explained that the incident left them afraid of administration and has distracted them from doing her job all year.

The faculty members' anxiety and distraction have been very evident to administration throughout the year.

I chaired the committee for the position Mrs. Davenport was speaking of. The information Mrs. Davenport disclosed could only have come from a privileged search committee member, who was involved in the interview and final decision process. Mrs. Davenport's husband, Professor Varlo Davenport was assigned to the committee during that part of the process. The committee was continually reminded that all information relating to the search was confidential and not to be shared or discussed outside the committee.

Per policy, it is my obligation as an administrator of the department to report this to HR. This is a serious violation of many policies. It especially contradicts the responsibility we have to uphold such policies as search committee members and professional faculty members of the institution.

On a further note, I recently responded to another instance just last week in which Professor Davenport approached our administrative assistant and attempted to discuss search committee information with her, asking her for names of others on the original committee. She simply stated that he would have to speak to HR or the chair of the committee for that information. During the same conversation, she let me know that she knew discussing information outside of the committee was against policy and just asking her to discuss that information placed her in an uncomfortable position. This committee was also continually reminded that all information relating to the search was confidential and not to be shared or discussed outside the committee.

I immediately emailed Professor Davenport because he was not in his office. (The email is included at the end of this report.)

The same morning Professor Davenport requested a meeting with the Dean and I. In the meeting, he promptly apologized for discussing information outside the committee.

Professor Davenport then proceeded to inform us that he felt we had placed him in an uncomfortable situation asking him to serve on a committee involving nepotism issues. He let us know that it hurt his feelings. We apologized to him directly and explained that it was not our intention and it would not happen again.

I then explained further that we were in need of another member of the Theatre department faculty on the search committee. Professor Michael Harding was originally on the committee but could not attend the interviews due to other commitments with the Utah Shakespeare Festival. Kris Davies knew one of the applicants personally and felt it would be a conflict of interest to serve on the committee and Phil was unable to serve because he was related to one of the candidates. We explained that Varlo was the only one left in the department who could serve on the committee. We then assured him again that it was not done intentionally but out of necessity. We agreed that, in hindsight, we should have excluded the relative from the interviews due to the history of nepotism in the department. This particular issue was resolved among the three of us. If there is any further action required please let us know what is needed and we will be glad to comply.

Sincerley,

Mark Houser



Mark Houser

Chair of Fine Arts

/ Theatre Program Director

Dixie State College
Theatre Department
435-879-4384

Begin forwarded message:

From: Mark Houser <houser@dixie.edu>
Date: May 12, 2014 at 6:46:21 AM MDT
To: Varlo Davenport <davenport@dixie.edu>
Cc: Brent Hanson <hanson@dixie.edu>
Subject: Scenic Design Search Committee

Varlo,

Can you please refrain from discussion of search committee information with those outside of the search committee, per policy. If you have questions you may direct them to Brent or I. Thank you.

Mark Houser
Program Director
Dixie State College
Theatre Department

Confidentiality

Dear Administration and Human Resources,

I am writing to inform you of concerns regarding a continuing trend of unethical behavior involving some of the DSU Theatre faculty and family members, which, according to policy, may demand special attention.

I have learned through recent conversations this week with Kris Davies (DSU Costume Faculty) that Professor Varlo Davenport and his wife Andrea Davenport may have engaged in professional misconduct by publicly disclosing confidential information about the most recent Costume Design and Technology position search, for which Professor Davenport served on the hiring committee. I have included a transcription of our conversation, held on May 8, 2014, with Ms. Davies permission.

Ms. Davies informed me that shortly after she was hired in August 2013, Andrea Davenport and her daughter Hanna showed up to help her move in. She stated that during the course of the move Andrea Davenport proceeded to tell her that "she was not the first pick candidate chosen for the position, the committee wanted someone else" and that "administration did not want her here, particularly Mark Houser".

During that search process there was no discussion involving administrations lack of desire to have Ms. Davies hired for the position and we have done everything possible to support her and help her be successful in her position. Ms. Davies also stated she now understands that the statements made are not true and that she has felt a great sense of support from and trust for administration after her experience with them throughout the year. She has been afraid to mention anything to anyone in administration, especially the department director, since this incident.

I have observed a high level of anxiety and stress in her activity over the last year, especially at times when I would ask her to discuss something with me. I did not understand why until she and I had this in depth discussion.

Ms. Davies explained further that Andrea Davenport continued to slander administration and the department until her daughter stopped her and told her she should not be talking about them that way. Kris confided in me that the comments made caused her to be extremely anxious about approaching anyone in the department and put her under considerable duress this entire year concerning her job. She explained further that her continued experiences with Andrea and Varlo Davenport have made her afraid of them and have affected the way she is able to do her job.

she never says this. see below.

At the same time Andrea was also a private contractor for the department, against our better judgment, and only out of necessity. She was assigned to design DSU's production of Camelot. During the course of that endeavor Andrea quit communicating with the department about her design and the department decided they would move forward without her and let the new costumer, Kris Davies, take the lead due to time constraints and to maintain the student experience.

During that process Andrea confronted Ms. Davies about what was happening, and in Ms. Davies words to me, "they proceeded to rape me emotionally and verbally." Professor Davenport inappropriately invited himself to mediate the conversation in Kris's office, even though he had nothing to do with the production. Ms. Davies states "they stood over me and Andrea continued to berate me out of anger." As our other production meeting concluded, I could see and feel the tension as I passed her office. The situation was handled in a very unprofessional manner by the couple. Out of concern, I approached Ms. Davies after the meeting and asked her if everything was okay and if there was anything I could do. She asked that we never allow a situation like that to happen again. The Dean and I agreed after discussion to inform HR that Andrea Davenport should not be allowed back in the shop or to work for DSU Theatre indefinitely, due to the fact situations similar to this have happened before.

she says nothing like this in her own written description below.

Because of my obligation to policy, I am including this information because of the language Kris used in her explanation to me and for the fact that she has had to live in this fear and anxiety for the entire year

since she started with us. This situation also mimics past instances with previous costume faculty, particularly paralleling those with Monica Hart in 2010/11 before she resigned.

There is now a clear trend of the Davenports' harassment of DSU costumers. The resurfacing of these conditions raises great concern with me as the administrator of the department. I have been witness to the trend for the length of my duty at DSU, and not just with the costume faculty. There is a continued defamation of faculty in faculty meetings, in conversation with other faculty members in public places, offices and among students. There are parties involved who can confirm this and I invite you to speak to them. This especially takes place when the subjects of the remarks are not present at meetings or when administration is not present. Professor Davenport evades administration continually and continues to attempt to operate on his own agenda, making department decisions on his own, decisions which should be discussed with the body of the faculty and the department director for approval. We have continually reminded him our doors are open and he has our support. Rather than addressing the subject, his responses to various communications concerning department matters, tend to retaliate against administration.

Our new Theatre Technical Director has also come to me four times this semester to talk about the unnecessary stress Professor Davenport is causing him and the unprofessional manner in which he carries himself. He is also feeling uncomfortable in his interactions with Professor Davenport and it is making it hard for him to focus and do his job well. This is in his first semester.

The level of unprofessional and unethical behavior witnessed by a majority of administration, faculty and staff over the years makes it difficult for many of them to do their jobs comfortably and to the best of their ability. The constant presence of fear, unnecessary tension and distraction pull from what our focus really is as a department. We have all watched it distract the faculty and students from achieving cohesion and it has kept us from aligning more completely with the institutions mission.

I have met with Professor Davenport on many occasions and asked for his support rather than his criticism. It is my assessment that the newest members of our faculty are the individuals who approach me because to them and according to the professional standards they expect, this is not normal professional or acceptable behavior. The rest of the faculty seems to have turned a blind eye because under his leadership and within the department this has become the norm. As the department administrator, and per institution policy, I recognize this as one of our greatest dysfunctions and our faculty does not deserve to be uncomfortable every day they come to work. It is their right to be kept safe and to be given the support to do their best to fulfill our mission.

I see a clear trend of lack of support from Professor Davenport for other faculty members and administration, despite administrations request for more support and the quelling of such behavior. Professor Davenports' lack of organization and unethical and unprofessional banter about administration to other faculty members and students has affected the morale and the quality of operations far too long and is exhausting to the faculty who are simply trying to do their jobs well and focus on the students. He and his family, despite the actions against them, continue to contribute to a hostile working environment.

I am passing this information on out of my obligation to policy and out of my concern for the stability of the department based on the trend of behavior and unprofessionalism that has been allowed to exist.

We have worked earnestly the past few years to cultivate a better department environment for the students. By hiring more professional faculty, who are also great teachers and mentors, we have created a safer, more effective and exciting environment that our students are starting to thrive in once again. We are in danger of losing our great new faculty who have done nothing but work hard to preserve their jobs. We have lost and are at risk of losing many students because of that environment. We will also remain caught in the same cycle we have been operating in if nothing is done about it.

I understand that Professor Davenport is a tenured faculty member. I also understand and respect the nature of due process and policy.

We are putting our trust in you and the policies and standards set by the institution to take action to uphold the rights of the faculty. I do believe, as serious as this has become again, and with the breach of policy involved, that job action needs to be taken.

If you have any questions or wish to speak with me in person, I will make myself available as needed.

Sincerely,

Mark R. Houser
Chair of Fine Arts
and Theatre Department Director

*How can we know
when this was
written?*

From: "Beatty, Del" <beatty@dixie.edu>
To: "Lojko, Frank" <Lojko@dixie.edu>
Cc: "Houser, Mark" <houser@dixie.edu>
Date: June 14, 2014 at 8:31:38 PM MDT
Subject: Re: Harassment Involving a Student

Mark,

I will contact the student and arrange to speak with her by phone this week and then schedule a face to face meeting with her on Monday the 23rd. Please express to her how grateful we are that she had the courage to speak up, and that I look forward to meeting her in person. She can call Debbie at 652-7514 and set up appts. that work for her.

You can call me on my cell at 435-531-9656 to discuss or visit more about this issue.

Thanks,

Del W. Beatty
Dean of Students
Dixie State University
Sent from my iPhone

On Jun 14, 2014, at 8:21 PM, "Lojko, Frank" <Lojko@dixie.edu> wrote:

Mark:

We will work with you and help the student - [REDACTED] Dean Del Beatty will contact you sometime today. What is your cell phone number? Both Beatty and I will be out of town attending a conference Sunday thru Wednesday this coming week. However, we can work things out and make [REDACTED] want to stay with the Theatre program.

Best regards,
Frank
435 668-1078

Sent from my iPhone

On Jun 14, 2014, at 2:18 PM, "Houser, Mark" <houser@dixie.edu> wrote:

Hi Frank,

I wanted to inform you, out of concern and per policy, of an incident of harassment that involves our faculty and one of our brightest freshman in the department. During our production meeting on June 3, 2014, Professor Varlo

Davenport made what was interpreted as a veiled threat toward another faculty member in a heated manner. [REDACTED] one of our best freshman and one who contributes consistently to our productions, was present and witness to the meeting. The student walked away from the experience afraid of Professor Davenport, expressing to other faculty that she thought Professor Davenport handled the situation very unprofessionally and she was afraid of him, so much that she would not be signing up for any of his classes and had no desire to work on productions with him. My concern is that because of this situation we may lose one of our best students, who is already struggling with the financial aspects of her education. Professor Davenport has been put on warning by me due to a formal grievance from faculty regarding the situation.

Hearsay



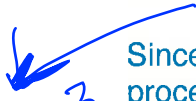
Since the instance involves a student, please let me know how you would like to proceed if you feel it is necessary and I would be glad to work with you to remedy the situation. I am meeting with Professor Davenport on Monday at 1PM, if you feel the need to be present as we discuss the situation.

Thank you for your support and if you have any questions regarding this incident, please feel free to contact me.

Warm regards,
Mark

Mark Houser
Chair of Fine Arts
/ Theatre Program Director
Dixie State College
Theatre Department
435-879-4384

Kris #3
below?



About
(confidentiality)

From: "Houser, Mark" <houser@dixie.edu>
To: "Davenport, Varlo" <davenport@dixie.edu>
Cc: "Craver, Will" <Craver@dixie.edu>, "Hanson, Brent" <Hanson@dixie.edu>
Date: May 20, 2014 at 4:02:18 PM MDT
Subject: Confidentiality

Varlo, allowing for due process, you may choose to respond to this email. I am also cc'ing HR on this email per my responsibility to institution policy. Any further discussion on the matter should include HR.

I was recently informed by a faculty member of an incident that took place on August 12, 2013 involving the dissemination of confidential search committee information. They informed me that while helping them move, Andrea Davenport advised them that "they were not the top candidate for the position" and that "the department director did not want them here." The faculty member also said Mrs. Davenport continued to demean administration until Mrs. Davenport's daughter, [REDACTED] Davenport, asked her to stop and told her "we shouldn't be talking about them that way." The faculty member further explained that the incident left them afraid of administration and has distracted them from doing their job all year.

I chaired the committee for the position Mrs. Davenport was speaking of. The information Mrs. Davenport disclosed could only have come from a privileged search committee member, who was involved in the interview and final decision process. Mrs. Davenport's husband, Professor Varlo Davenport was assigned to the committee during that part of the process. The committee was continually reminded that all information relating to the search was confidential and not to be shared or discussed outside the committee.

Per policy, it is my obligation as an administrator of the department to report this to HR and place you on warning. This is a serious violation of many policies. It especially contradicts the responsibility we have to uphold such policies as search committee members and professional faculty members of the institution.

Mark Houser
Chair of Fine Arts
/ Theatre Program Director
Dixie State College
Theatre Department
435-879-4384

A f u i a
a b o u t
c o n f i d e n t i a l i t y .

First off, Spencer had put on facebook that I was moving here and if anyone could help that would be great. Andrea and Hanna Davenport showed up to help. Andrea, proceeded to warn me about you and **Andrea then informed me that I was the second pick for the job. She also said "they were holding out for me to get the job."** I don't know if that was Varlo or the committee, she just said, "they". And that was the start of my year and my experience at DSU.

You and I had a brief meeting two weeks before costumes were to be built and we had not received the shopping list or any communication from Andrea. After you sent her an email that we needed to move on, she sent me a text and then I called her and she was sobbing on the phone. She was very upset with me, pretty much saying I had betrayed her. I can't remember her exact words but I know that was what I was feeling. And then we left it that she would come in and we would talk. You suggested that Andrea and I meet with the director to make sure we were in the same page. The next week after production meeting after discussing the production in the meeting, Varlo, Andrea and Kelly left the production meeting and came into my office. You had suggested Andrea and I meet after production meeting to discuss where we needed to go to get costumes done for the production in time. I did not know that Varlo, who was not associated with the production, or Kelly, the director, was going to be there. I thought it was just going to be Andrea and I. I think Varlo was trying to act as a mediator. Andrea started to explain how she was feeling, like I was treating her design negatively. She explained that she had designed the show for Brent Hanson, who originally was to direct the production and then Kelly Thomas, the director who took over after Brent. She thought I was being negative with the fabrics she wanted when in actuality the fabric I had found was moldy. I had been asking for shopping lists. I had students coming in, volunteers from the community and work-study students coming in with nothing to work on. We were coming up to two weeks before costumes were due and nothing had been cut yet. I was concerned about getting the production done.

After she cried, I was feeling on edge because I was feeling like I was being attacked. I bristled and let her know that I was feeling bad and just wanted to get things taken care of. I told her I would be the bad guy in this and I just wanted to get things done. I do remember Kelly saying, "no, no, we're not going to place blame on anyone, what do we need to do to get this to work." At that point Andrea started to cry again and explain she was very busy with her job and she was having problems with her kids and that she was very sorry and that we could work together. Then she sent me the shopping list via email and we started working effectively from that point on. Varlo did try to mediate basically.

Later, Andrea brought fabric that they had at home, Varlo was with her. We were talking about my costume design for Varlo's production of Sunday in the Park with George. I remember him saying "Yeah, you've got one shot to make it good." That made me feel like if I did not do well with that design, I would lose my job. And that on the heels of the comments Andrea had made from the beginning when she helped me move, to the experience with her and the Camelot production and that comment

None of the documents
actually associated with the
"Cause" for termination are first-person
accounts or signed like this.

from Varlo made me feel very uncomfortable. They had colored everything since that first meeting. And that's pretty much how I felt over the past year until I came to know the dynamic and felt comfortable enough to come and discuss it with you.



Mark Houser, Director of Theatre
and Chair of Fine Arts



Kris Davies, Costume Design and
Technology Faculty

Date: Thursday, May 8, 2014

Mark quotes Kris
claiming "emotional and
verbal rape". Why doesn't
she say anything remotely
resembling this in her own
depiction of events?

About same
confidentiality
issue.

EMPLOYEE GRIEVANCE FORM

It is the purpose of the Grievance Procedure to establish a method whereby grievances of employees will be resolved fairly and effectively. The filing of a grievance will in no way prejudice the status of the employee. Please see the Policy Manual for a full description of the procedure (Policy 3-31 and 4-28).

EMPLOYEE: Kris Davies-Timmerman DATE: 6/10/14
~~6/10/2014~~

DEPARTMENT: Theatre JOB TITLE: Assistant Professor of costume design

STATEMENT OF GRIEVANCE (Background/activity leading to complaint, including dates):

On Aug 11th, 2013 I was getting settled in my leasing loan apartment, and Lois [unclear] volunteered to help unpack the cabinet. After we'd finished and were relaxing, she told me to be wary of Mark [unclear] and not to trust him. I was told the reason the search process went until the middle of July was BE I was not marks first choice his friend from [unclear] city was, I was the second choice. However the committee held out their ground until he gave in and I was hired. I was to Rest easy BE they all had my back and I was there BE OF THE COMMITTEE'S PROSPERANCE. This info great [unclear] my [unclear]

REMEDY REQUESTED: _____

EMPLOYEE'S SIGNATURE: [Signature] DATE: 6/10/2014

Date the Immediate Supervisor was notified: 5/8/14
(Please attach response)

Date the Second-Level Supervisor was notified: 5/8/14
(Please attach response)

*This is a
complaint
against
Andrea.*

EMPLOYEE GRIEVANCE FORM

It is the purpose of the Grievance Procedure to establish a method whereby grievances of employees will be resolved fairly and effectively. The filing of a grievance will in no way prejudice the status of the employee. Please see the Policy Manual for a full description of the procedure (Policy 3-31 and 4-28).

EMPLOYEE: Kristen Davies - Zimmerman DATE: 6/10/14
~~5/10/2014~~

DEPARTMENT: Theatre JOB TITLE: Assistant Producer of Theatre: costume design.

STATEMENT OF GRIEVANCE (Background/activity leading to complaint, including dates):

During The Build Period for Camelot (approx Oct - 0th) I spoke with Mark in passing, about the show schedule and that I'd been given nothing from Andrea - we hadn't cut anything out, no decisions had been made about the 5,000.00 in costumes we'd picked up from USF to Rent. Basically I had two weeks to get an entire show meant that my designer wasn't making any decisions. Mark said he'd email to tell her she needed to get me what I needed to begin and from that point on, it became a nightmare. She was angry at me for forgetting my department chair involve

REMEDY REQUESTED: _____

I have no further dealings with Andrea in the costume shop or design situations for campus productions

EMPLOYEE'S SIGNATURE: [Signature] DATE: 5/10/14

Date the Immediate Supervisor was notified: 5/8/14
(Please attach response)

Date the Second-Level Supervisor was notified: 5/8/14
(Please attach response)

EMPLOYEE GRIEVANCE FORM

It is the purpose of the Grievance Procedure to establish a method whereby grievances of employees will be resolved fairly and effectively. The filing of a grievance will in no way prejudice the status of the employee. Please see the Policy Manual for a full description of the procedure (Policy 3-31 and 4-28).

EMPLOYEE: Kris Davies Zimmerman DATE: 06/03/2014

DEPARTMENT: Theatre JOB TITLE: Assistant Professor costume Design

STATEMENT OF GRIEVANCE (Background/activity leading to complaint, including dates):

At The June 3rd Production meeting, which was attended by Mark Hester, Phil Heston, [redacted] and myself, David pointedly addressed his concerns over things he perceived hadn't been addressed or acknowledged for his Nov. 2014 Production of Claym Boy. When turned his attention towards me he began quoting Policy that reflected upon, what I felt, early performance this year.

REMEDY REQUESTED: Revising the Production schedule and dead lines,
perhaps including an open discussion with the faculty
about what exactly is expected & when.
Perhaps mediation and/or counseling.

EMPLOYEE'S SIGNATURE: [Signature] DATE: 6/11/2014

Date the Immediate Supervisor was notified: 6/3/14
(Please attach response)

Date the Second-Level Supervisor was notified: 6/12/14
(Please attach response)

And this is the incident which Mark claims
Kris said she felt "emotional and verbal rape" ?
Mark's claims seem very inconsistent with what
Kris actually reports herself.