



PennState

Neeli Bendapudi, Ph.D.
President
The Pennsylvania State University
201 Old Main
University Park, PA 16802-1589

814-865-7611
Fax: 814-863-8583
president@psu.edu

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Dr. Michele Stine
Chair, University Faculty Senate
Penn State University
University Park, PA 16802

Chair Stine,

I am writing to you today in your capacity as chair of the University Faculty Senate (UFS). Thank you for taking on this important leadership role a year earlier than you had anticipated. I very much look forward to our collaboration.

Moments ago, I called you to share that I had made a final determination on the Oliver Baker case and had just shared a note with Professor Baker to that end. Additionally, I shared with you that I would be sending you a letter with some of my early reflections on the AC70 process. Please find those reflections below. I hope that we will be able to discuss these further in our next meeting. Please feel free to share this letter with your UFS colleagues.

On May 9th, my first day in my official capacity as the 19th President of the Pennsylvania State University, I received the Standing Joint Committee on Tenure's recommendation report in the Baker AC70 proceeding. I was not a member of this campus community when the incidents in this case occurred. I do not have any direct knowledge of the actors or the campus climate that served as a backdrop to these incidents.

It is the standard procedure at this institution and at most others across the country that we do not comment on personnel issues. In the best interests of the University, however, I believe it is important that I provide some additional context to what has been a widely covered national story about our institution. There are no facts that I am sharing here that have not been exposed or expressed in local, regional, or national media in some form or another. To the extent that I share my perspective as president on these publicly available facts, I am advised by counsel that there is no violation of confidentiality or other institutional policy.

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On August 27, 2021, at a pro-vaccine-mandate rally on our campus, a physical altercation occurred between a faculty member and a student. The faculty member was an active antagonist with a student in a free-speech zone. I have determined this is clearly misconduct by the faculty member. I have also determined that there is not clear and compelling evidence that this behavior rises to the level of grave misconduct required to terminate employment and revoke tenure. The consequences are a confidential personnel matter.

Throughout my career, I have made it a point to model and stand up for appropriate conduct in the workplace. I have said privately to my teams and publicly to news media that I believe *culture is what you tolerate*. I take allegations of misconduct seriously and want to exist in a workplace that does the same. I also believe that we should not be judged by our best or worst moments in life apart from that conduct which is clearly reprehensible or unimpeachably laudable. I believe that systems of discipline must be fair, consistently applied, and built to seriously address behavioral issues without being so punitive that they erode trust in the system by their very application. I believe we have opportunities to these ends as it relates to Penn State's faculty disciplinary policies.

What is an academic administrator or executive to do when a faculty member at Penn State has violated our standards for conduct in some meaningful way? At present, for tenured and tenure-track faculty, the only formal path, and the clearest path is initiating AC70 proceedings. This is the path that the Dean and the Provost chose.

Having to rely solely on the AC70 policy does two things that harm both the individual faculty member and the institution. First, a faculty member whose behavior is problematic and yet does not merit the highest penalty may receive the harsher punishment because this process is the only available policy to address the conduct. Second, a faculty member whose behavior undermines our commitment to our stated values, but does not rise to the level that merits initiating the AC70 process, or where tenure revocation is not the ultimate adjudication, may believe there is no problem with their behavior at all. Both outcomes are deleterious to the institution and to the faculty body.

I have concerns with the AC70 process itself (e.g. ensuring that all individuals who serve on the committee have no conflicts of interest, ensuring that all individuals on the committee have the benefit of knowing the history of disciplinary actions at the University, ensuring that faculty senate leadership as well as administration work together to educate not just faculty but all important other constituencies about the existence and purpose of the AC70 process) that I hope to bring to your attention at a future date. You may have other ideas you wish to surface as well. I am also deeply troubled by the personal attacks on the administrators who were following the process that is laid out at our institution. These ad hominem attacks have no place in our intellectual discourse and are not reflective of our stated values.

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For now, I write this note to the University Faculty Senate leadership to begin a dialogue about how we work together to create an additional policy on Faculty Accountability (similar to policies which exist at our peer and aspirational institutions) that reinforces our standards of conduct in a fair, transparent and responsible manner. The accountability policy for faculty might be thought of as a progressive discipline system akin to that which exists for our staff and indeed in workplaces across the world.

I know that to accomplish this goal the leadership of the UFS is essential. I ask your consideration on this item. I look forward to discussing this further with you and the leadership of UFS in our next meeting.

Sincerely,

A handwritten signature in blue ink that reads "Neeli Bendapudi". The signature is written in a cursive, flowing style.

Neeli Bendapudi