



M. Elizabeth Magill
President
The Trustees University Professor

Decision of the President
In the Matter of Professor Amy Wax
August 11, 2023

I write in my role as President of the University of Pennsylvania, pursuant to Section II.E.16 of the Faculty Handbook, subsection 4.I, to advise you of my decision on the report and recommendations of the Hearing Board convened by the Faculty Senate on the charges brought by then Dean Theodore Ruger against Professor Amy Wax on June 23, 2022.

I.

In considering the Hearing Board's report and recommendations, I am guided by the University's long-standing policy that allegations of an infraction of University behavioral standards by a faculty member are to be adjudicated by faculty peers. University policy reflects the view that, as peers, faculty members are trusted to be fair-minded judges of the behavior of their colleagues. The Board renders its decision only after following an extensive process, allowing the parties, especially the faculty member charged with an infraction, to present her views in written submissions and testimony at an in-person hearing.

Reflecting this institutional choice, the role of the President in this process is sharply limited. As a general matter, the Handbook provides that the President "shall normally accept the Hearing Board's recommendations." Section II.E.16.4.I(1). I have the authority to depart from the Board's recommendations only in "exceptional circumstances," and only to "reduce the severity of recommended sanctions" or to dismiss the charges "for failure of proof." Section II.E.16.4.I(2). If I do believe this high standard is met, I can depart from the Hearing Board's recommendations, but only after "securing the views" of the Faculty Senate Tri-Chairs. I may also request that the Board reconsider its decision, but I cannot require them to do so; the Board determines whether it will grant my request for reconsideration. Section II.E.16.4.I(3). Finally, I have the authority to remand the issue to the Hearing Board, but only where there has been a "significant defect in procedure." Section II.E.16.4.I(4). All in all, these provisions make crystal clear that my role as President is not to look with fresh eyes—or *de novo*—at the factual findings, policy interpretations, or sanctions recommendations made by the Hearing Board. On the contrary, the Hearing Board's recommendations must stand absent "exceptional circumstances" justifying reduction of the recommended sanctions or dismissal for failure of proof, reconsideration, or remand on account of a significant defect in procedure.

II.

In the charging letter, Dean Ruger sought major sanctions based on Professor Wax's alleged violation of the following standards and practices: "(i) teaching faculty must avoid exploitation, harassment, and discriminatory treatment of students and must avoid conducting themselves in a manner reasonably interpreted as creating a hostile or discriminatory classroom; (ii) teaching

faculty must evaluate each student’s true merit; (iii) teaching faculty must respect the confidential nature of the relationship between professor and student; and (iv) teaching faculty must show respect for others, including faculty.”

In response, a five-member Board of tenured faculty members, selected by the Faculty Senate Tri-Chairs and representing the Graduate School of Education, the Penn Carey Law School, the Perelman School of Medicine, and the School of Arts and Sciences, convened in October, 2022, to review the written charges. After considering the charges and Professor Wax’s response, the Board unanimously found that there were sufficient grounds to proceed to a hearing. A hearing took place from May 1 to May 3, 2023, during which both sides offered arguments, submitted exhibits, and presented testimony from students, alumni, and faculty colleagues. Additionally, both sides presented reports from expert witnesses they engaged to address questions concerning standards of professional conduct and the scope of academic freedom. After the hearing, the parties submitted closing statements to the Board.

Following deliberation, the Board unanimously found that Professor Wax committed a major infraction of the University’s behavioral standards – that is, a “flagrant disregard of the standards, rules, or mission of the University or the customs of scholarly communities.” Section II.E.16.1.B.7. The Board found that Professor Wax engaged in “flagrant unprofessional conduct” that breached her responsibilities as a teacher to offer an equal opportunity to all students to learn from her. That conduct included a history of sweeping, blithe, and derogatory generalizations about groups by race, ethnicity, gender, sexual orientation, and immigration status; breaching the requirement that student grades be kept private by publicly speaking about the grades of law students by race and continuing to do so even after cautioned by the dean that it was a violation of University policy; and by, on numerous occasions in and out of the classroom and in public, making discriminatory and disparaging statements targeted at specific racial, ethnic, and other groups with which many students identify.

Based on its findings, the Board did not recommend the highest sanction available, namely, termination from her faculty position. Instead, it recommended the following sanctions: a one-year suspension at half pay, with benefits intact; the loss of a named chair and summer pay; a public reprimand; and a requirement that the respondent note in public appearances that she does not speak on behalf of the institution.

III.

A.

I have reviewed the entirety of the voluminous record in this case and given careful consideration to the respondent’s objections to the Hearing Board’s decision. No matter involving an alleged violation of University behavioral standards by a long-standing member of our tenured faculty is an easy one, and this case is no exception. The respondent has been an engaged member of the Penn Carey Law School community and an award-winning teacher. But, after careful review, I find no “exceptional circumstances” warranting a departure from the Board recommendations, either to reduce the severity of the recommended sanctions or to

dismiss the charges for failure of proof (Section II.E.16.4.I(2)); nor do I find any basis to ask the Board to reconsider its decision (Section II.E.16.4.I(3)); nor is there any “significant defect in procedure” that would warrant a remand to the Board (Section II.E.16.4.I(4)). I thus uphold the Board’s recommended sanctions.

B.

As noted above, under subsection I(2), I am permitted to depart from the Hearing Board’s recommendations only in exceptional circumstances, and then only to reduce the severity of recommended sanctions or to dismiss the charges for failure of proof. In my judgment there are no exceptional circumstances in this case warranting reduction of the severity of the Board’s recommended sanctions. The proposed sanctions are well within the scope of a major sanction as defined by our policy. For a major infraction of University behavioral standards, a faculty Hearing Board is empowered to recommend a sanction up to and including termination—that is, revocation of tenure and dismissal from the faculty. That the Board in this case recommended lesser sanctions demonstrates a careful attempt by our faculty to calibrate the sanction in proportion to the infraction.

Moreover, there is no basis for dismissal of the charges for failure of proof. The Board’s decision rests on a considerable body of evidence that is more than sufficient to support its recommendations. The charging party presented ample evidence to support the allegation that Professor Wax violated the University’s behavioral standards, and the Board credited that evidence. This included exhibits, affidavits, expert opinions, and in-person testimony at the hearing from Dean Ruger, several faculty colleagues, and multiple former students. On many matters, there is no dispute about key facts that form the basis of the Board’s actions, and where there were matters of factual dispute, the Board made determinations based on a clear and convincing standard. There is, in short, no “failure of proof” in this case. To weigh this evidence, or to assess the credibility of the witnesses myself, would be to substitute my judgment for that of the Hearing Board and that is not permitted under our policy.

C.

A request to the Board to reconsider its decision, under subsection I(3), in my view ought only to be made if I have a basis to believe that the Board failed to consider important facts or consequential arguments offered by the respondent. There is no indication in this voluminous record that any such failure occurred. Nearly all the objections the respondent presented to me (which I address in section IV below) are arguments that were presented directly to and evaluated by the Hearing Board itself. The record and the Board’s report demonstrate that it heard and carefully considered each argument before reaching its decision and recommendations. The respondent argues that the Board’s report does not analyze the testimony of individual witnesses. But that was not the Board’s responsibility under our policy. Rather, the Board’s obligation was to set forth its “findings, conclusions, and recommendations” (subsection H(2)). The Board met that obligation by producing a report that makes clear that it evaluated the arguments of counsel and the testimony of witnesses concerning the respondent’s teaching, the issue of academic freedom, and the question of student privacy. In sum, I do not see any ground

for concluding that the Board overlooked any evidence or consequential argument in the matter that would justify my requesting reconsideration.

D.

Finally, the record does not reflect any deviation in procedure, and no “significant defect” warranting remand to the Hearing Board.

A chronology of the process leading to Dean Ruger’s charges, the hearing, and the Board’s decision is attached to this written decision as Appendix A. It shows the process followed to have been scrupulously fair, generous to the respondent, and assiduous in its adherence to the procedures in the Faculty Handbook. The matter began in 2021, when Dean Ruger asked an eminent scholar and former law school dean to review complaints made by former students against Professor Wax. Professor Wax declined to participate in that process. After Dean Ruger received additional complaints, citing more recent disparaging public comments from Professor Wax, he met with Professor Wax to attempt informal resolution of the matter, as required by our policy. Only after that attempt failed did he request the formation of a Hearing Board, in June 2022. Professor Wax requested a delay in the proceedings on multiple occasions; these requests were duly considered and accommodated, and the hearing accordingly was not held until nearly eleven months after Dean Ruger submitted his charges. In the interim, Professor Wax was provided with relevant documents and more than the prescribed time to prepare her case. The hearing was held over three days, during which the charging party and the respondent were given equal time to present and cross-examine witnesses. The respondent presented twenty-one witnesses to the Board, including four faculty colleagues and nine students who testified at the hearing, plus one student whose testimony was submitted in an affidavit. The hearing generated over 700 pages of transcript. The Board received nearly seventy exhibits. After the hearing, the respondent provided statements from seven expert witnesses, a presentation summarizing their statements, and a written closing argument of twenty pages. The Board then deliberated over several weeks before submitting its report and recommendations. I commend the Board for its extraordinary efforts, and I find this procedure fully complied with the letter and spirit of the University’s Faculty Handbook and the respondent’s rights.

IV.

Pursuant to Penn’s procedure, the respondent submitted to me a wide variety of objections to the Board’s decision, including objections to the procedure followed, the Board’s findings, and the Board’s recommendations. I carefully considered each of these objections, as discussed below.

A.

The respondent raises three challenges to the procedure followed here: (1) the Board allegedly recommended sanctions based on “vague, novel, and undefined allegations of offenses”; (2) the University declined to tell the respondent if Hearing Board members had attended or read a public presentation by one of the charging party’s witnesses; and (3) the Board declined to order Dean Ruger to produce to the respondent the grades and class standing of current and former law

students. None of these three claims identifies a deviation from accepted University procedure, or a “significant defect” in procedure.

First, the claim that the Board adopted a “vague, novel, and undefined” theory is unpersuasive for several reasons. This, it should be noted, is not a procedural objection to the Board’s action; it is a substantive criticism of the Board’s application of the relevant standards. Even so, it is unpersuasive. The requirements that faculty behave professionally and treat students in a fair and non-discriminatory way are not novel—or surprising—behavioral standards. And the basis for the Board’s findings and recommendations is not vague or undefined. The record before the Board and its decision are replete with specific examples of the behavior the Board found flagrantly unprofessional that created an unequal learning environment for students.

This argument also misunderstands the role of our faculty in a University sanctions proceeding. A core protection of faculty rights in our tenure system that we assign to faculty peers the primary responsibility for determining whether there has been a major infraction of behavioral standards and, if so, whether forfeiture of tenure or some other major sanction is appropriate. In a case like this, where the matter is contested, the Hearing Board’s job was to determine the boundary between acceptable conduct by a faculty member and flagrantly unprofessional conduct creating a hostile and unequal learning environment. I find no exceptional circumstances or procedural error that would warrant setting their judgment aside, and I would be usurping the role assigned to our faculty under our policy if I did so.

The second procedural objection also falls short of a significant defect in procedure. The Board was not required to disclose whether any of its members had previously attended a public presentation, open to all faculty and members of the University community, given by one of the charging party’s witnesses. Such an encounter is commonplace in the academy and does not bear on a Board member’s fitness under our policy or suggest an appearance or actual conflict for the Board member.

Third, the decision not to disclose to the respondent and her counsel the private academic records of our law students was not a procedural error because it was entirely appropriate. Such records are confidential, and the issue before the Board did not concern academic performance, but rather whether the respondent violated behavioral standards by repeatedly and publicly characterizing the performance of a select and potentially identifiable group of students, as reflected in the Board’s second finding.

B.

The respondent additionally objects to the charges and the Board’s recommended sanctions because, the respondent claims, the evidence demonstrated that she is “an outstanding teacher and scholar.” This objection, contrary to our process, asks me to re-weigh the evidence presented to the Board. It also misses the mark for another reason. Professor Wax has indeed been recognized in the past for her teaching excellence, and multiple former students testified at the hearing on her behalf as to the quality of her teaching. Nevertheless, the Board’s findings are not in tension with this testimony. The Board found that Professor Wax violated her duty to

“teach our students according to the *highest professional standards*, and to do so *equitably*” (emphasis in original); moreover, “she has failed to effectively teach all our students,” prompting the Board to find that “[v]arious groups of students . . . are not only harmed but also wronged. . . . These students have a justified expectation of equitable, respectful treatment . . .” In short, the Board found that notwithstanding the evidence that Professor Wax’s teaching has been of benefit to some students, her conduct harmed others equally entitled to an education of the highest standard.

C.

The respondent also argues that the Board’s recommendations should be rejected because they would punish her for extramural statements “protected by core principles of academic freedom.” The respondent separately asserts that many of her comments regarding group differences are part of social scientific academic debates, and therefore protected by academic freedom. These arguments deserve special attention given the importance of the value they invoke. Article 11 of the Statutes of the University of Pennsylvania provides that “[t]he University recognizes the importance of a system of tenure for faculty as the preeminent means of fostering and protecting academic freedom in teaching and scholarly inquiry.” Similarly, the Guidelines on Open Expression, appearing in the Handbook as section V.A., state: “The University of Pennsylvania, as a community of scholars, affirms, supports and cherishes the concepts of freedom of thought, inquiry, speech, and lawful assembly.” As President, I embrace these principles. They are essential to the vigorous pursuit of the University’s missions of research, scholarship, and teaching.

Faculty members rightly enjoy broad academic freedom in their scholarly inquiry and in their teaching. This means they are free to pursue in their scholarship and their teaching a wide range of ideas, including those that are the subject of great debate and disagreement. Faculty members also have responsibilities. As teachers, they have responsibilities to their students. Students can and should expect that their teachers will evaluate them fairly, not as a member of an identifiable group, but on their individual merit. The corollary for the teacher is that they must conduct themselves in a manner that conveys a willingness to assess all students fairly, on their own merits.

The Board found that Professor Wax failed in this responsibility to students, engaging in what it determined was flagrantly unprofessional behavior that created an unequal learning environment in three distinct ways: (1) Professor Wax’s sweeping, blithe, and derogatory generalizations about groups by race, ethnicity, gender, sexual orientation, and immigration status; (2) her repeated breaches of the confidentiality of student grades; and (3) her repeated and persistent discriminatory and disrespectful statements regarding groups based on race, ethnicity, or other identity inside the classroom, in the law school setting, and in public. Under our policy, it was the Board’s responsibility to weigh all of the evidence and determine whether Professor Wax crossed the line into conduct “involving flagrant disregard of the standards, rules, or mission of the University” that created an unequal learning environment for students. I find no exceptional circumstances warranting a departure from the Board’s determinations, and Professor Wax’s conduct would make many students reasonably wonder whether they could be fairly educated

and evaluated by her. Academic freedom is and should be very broad, but it does not include the right to engage in flagrantly unprofessional conduct that creates an unequal educational environment for students.

D.

The respondent makes two other objections that are similarly unpersuasive. She argues that “the evidence does not support the conclusion that respondent failed to treat all students with ‘equitable due respect.’” This is a challenge to the core of the Board’s report, and it is against the weight of the evidence the Board found credible. The Board’s judgment was that Professor Wax has a “history of disrespectful and dismissive treatment of various groups” that “demonstrates a pattern of flagrant, even escalating disregard for University expectations and professional norms.” This objection, contrary to our policies, asks me to re-weigh the evidence before the Board.

Finally, the respondent argues that she did not violate privacy policies. Again, this asks me to substitute my judgment for that of the Board, which our rules do not permit. The Board found that it is a gross violation of professional norms for an instructor to speak about student outcomes in a way that could be understood to disclose the academic standing of one or more members of an identifiable group, and that the respondent did just that. The Board’s finding of a violation in this regard is well-supported by the evidence.

V.

In reviewing the proceeding in its totality, it is evident to me that the Board gave Professor Wax ample opportunity to make her case, carefully considered all of her arguments, including on the critical point about academic freedom, and relied on a well-developed factual record in reaching its conclusions. Mindful of the limit of my authority as established by our policy – that I shall “normally accept” the judgment of a faculty Hearing Board both with respect to our behavioral standards as well as when the conduct of a faculty member constitutes a flagrant disregard of those standards – I accept the Board’s recommendation of major sanctions as set forth in section III of its report. This decision, subject to the right of appeal set forth in section II.E.16, subsection 4.J, is final within the University.

In closing, I wish to thank the Board members, as well as the Faculty Senate Tri-Chairs and their staff, for their service to the institution in this important matter.



M. Elizabeth Magill, President
Trustees University Professor and Professor of Law

8.11.23

Date

cc: Hearing Board
Professor Amy Wax
Former Dean and Professor Theodore Ruger
Provost John L. Jackson, Jr.
Dean Sophia Z. Lee
Crystal Nix-Hines, Charging Party Counsel
David Shapiro, Respondent Counsel
Wendy White, Senior Vice President and General Counsel
Sean Burke, Associate General Counsel

Enclosed: Appendix A (procedural appendix)

Appendix A
August 11, 2023
Procedures Followed in Compliance with the Faculty Handbook

1. April 27, 2021 – Complaint is filed against Professor Wax by a group of Penn Law alumni alleging that Professor Wax has made derogatory remarks inside and outside the classroom resulting in harm to students.
2. June 3, 2021 – Dean Ruger contacts Professor Daniel B. Rodriguez, former Dean of Northwestern University Pritzker School of Law, asking him to investigate the allegations.
3. August 2021 – Professor Rodriguez accepts the assignment; he speaks with twenty-six Penn Law alumni and reviews available documentation to evaluate the allegations. Professor Wax declines to participate in the process. In his report, dated August 3, 2021, Professor Rodriguez does not uncover evidence of discrimination against any individual student, but does conclude that “Professor Wax has made a number of comments in class and a few outside of class which could reasonably be viewed as derogatory and harmful.”
4. September 10, September 29, and October 4, 2021 – Dean Ruger consults with three tenured members of the University faculty to decide whether to invoke procedures for major infractions, impose minor sanctions directly, or discontinue the matter.
5. January 2022 – Dean Ruger receives additional complaints from students and alumni citing Professor Wax’s additional public comments, including the statement that America would be “better off with fewer Asians and less Asian immigration.”
6. March 2, 2022 – Dean Ruger provides Professor Wax with a written description of charges, including a summary of the negative impact her comments had on the Penn community.
7. April 2022 – Professor Wax appears on *Tucker Carlson Today* asserting that “Blacks” and other “non-Western groups” harbor “resentment, shame and envy” against Western people for their “outsized achievements and contributions even though, on some level, their country is a shithole.”
8. May 11, 2022 – Dean Ruger meets with Professor Wax to afford her the opportunity for an informal resolution of the matter, in accordance with Section II.E.16.2.A of the Faculty Handbook.
9. June 23, 2022 – Dean Ruger, as Charging Party, requests that the Chair of the Faculty Senate convene a Hearing Board, in accordance with Section II.E.16 of the Faculty Handbook, and submits a written statement of the grounds for complaint.

10. June 24, 2022 – Notice of Hearing Board composition is sent to Charging Party Dean Ruger and Respondent Professor Amy Wax, with an option to disqualify members, giving a deadline of July 5.
11. June 24, 2022 – Respondent replies to Dean Ruger indicating that she will be away with family and then undergoing treatment for a medical condition in July and August and asks for more time to respond.
12. June 30, 2022 – Hearing Board extends response deadline to July 12.
13. July 11, 2022 – Respondent replies with a physician’s note requesting a six-month delay of proceedings.
14. July 15, 2022 – Deadline for Respondent extended to July 22, asking only that Respondent indicate whether she wishes to seek to disqualify any proposed Hearing Board members.
15. July 20, 2022 – Letter from Respondent’s counsel, David Shapiro of Shapiro Litigation Group, arguing that the timetable for response violates the ADA and including eight requests for background information on the Hearing Board members, including a current CV and list of publications for each, as well as a demand that the University search Board members’ University and personal emails and text messages for references to Professor Wax and/or a presentation given to the Faculty Senate by Professor Anita Allen, and a demand that the University produce all documents relating to any other disciplinary proceeding in which any Board member may have participated.
16. July 28, 2022 – Second notice of Board composition is sent by the Hearing Board to the parties.
17. July 29, 2022 – Sean Burke, as counsel for the University and on behalf of the Faculty Senate, replies to Mr. Shapiro’s July 20 letter. Mr. Burke states that the Senate has granted an extension of time to object to proposed Hearing Board members. Mr. Burke also states that if Professor Wax were on a medical leave from the faculty (which she had not requested), the proceeding would be postponed for the duration of the leave, and that the Faculty Senate and Hearing Board “will be willing to make accommodations concerning the timing and format of the proceeding, including prehearing procedures.” Finally, Mr. Burke communicates the Hearing Board’s determination that sufficient information about the members of the Board is publicly available and for that reason the Board has denied Mr. Shapiro’s July 20 requests for information about the Board members.
18. August 31, 2022 – Mr. Shapiro, files a memorandum with the Hearing Board seeking to postpone the proceedings due to Professor Wax’s health issues; dismiss the charges; disqualify Dean Ruger; and retain a neutral third party to determine pre-hearing issues. Additionally, Mr. Shapiro and Professor Wax argue that “Penn Law must provide Prof. Wax with statistics, facts, evidence, and information about the performance of Black students at the Law School. This is

best done via a forensic analysis by an independent expert, chosen by both parties and paid for by Penn.” Professor Wax also seeks to disqualify all members of the proposed Hearing Board.

19. September 13, 2022 – Faculty Senate Chair Vivian Gadsden sends a memo to the Hearing Board members finalizing their membership and requesting they proceed with their work.

20. October 11, 2022 – Hearing Board meeting is held (in-person) to determine whether any member should recuse themselves, per Section II.E.16.4.B. They conclude no recusal is warranted.

21. October 18, 2022 – Pursuant to Section II.E.16.4.C(1) of the Faculty Handbook (which requires the Hearing Board to meet to determine whether to proceed to a hearing, and permits the Board to solicit written and/or oral argument from the charging party on the question), the Hearing Board writes to Dean Ruger, inviting him to the Board’s October 25, 2022, meeting to present oral argument on whether the Hearing Board should proceed to schedule a hearing on the charges.

22. October 25, 2022 – Hearing Board meets (virtually) with Charging Party and asks Charging Party to respond to the August 31, 2022, memorandum from Respondent.

23. October 27, 2022 – Hearing Board sends letters to Charging Party and Respondent notifying them that the Board has determined that the charges are sufficient to proceed to consider a major sanction and offering Respondent an opportunity for a hearing.

24. November 8, 2022 – Crystal Nix-Hines of Quinn Emanuel Urquhart & Sullivan, LLP, counsel for the Charging Party, responds to the August 31 memo to the Hearing Board from Respondent’s counsel, David Shapiro.

25. November 16, 2022 – Respondent requests a medical-related pause in all the proceedings until “the beginning of the January 2023 semester.”

26. November 21, 2022 – Hearing Board meets (virtually) to determine whether to delay proceedings and sends a letter to Respondent extending to January 17, 2023, her deadline by which to state whether she is requesting a hearing as provided for in the Faculty Handbook.

27. January 16, 2023 – Mr. Shapiro submits a memorandum to the Hearing Board renewing his arguments from August 2022 that the charges are “defective,” that the Charging Party is “biased,” and that the Board “will never appear to be impartial”; Respondent further argues that the matter should be suspended pending review by the Faculty Grievance Commission.

28. January 24, 2023 – Hearing Board meets (virtually) to discuss process.

29. February 2, 2023 – Charging Party responds to Respondent’s memo of January 16 arguing that the Hearing Board is the appropriate forum to resolve the matter and seeking a hearing date during the first week of May 2023.

30. February 16, 2023 – In a letter to the Respondent, the Hearing Board declines to suspend the proceedings indefinitely and declines to hold a preliminary hearing as requested. The Board further states that it will “provide reasonable accommodation throughout the remainder of the process, including in the scheduling and conduct of the hearing.”
31. February 23, 2023 – Hearing Board notifies parties of the hearing, initially scheduled for two days (May 1-2), and further notes that it has not been notified whether Respondent will participate in the hearing.
32. March 9, 2023 – Respondent withdraws grievance and requests meeting with Vice Provost for Faculty, which occurs on March 21, 2023.
33. March 29, 2023 – Respondent affirms participation in hearing but states that a hearing might not be practicable due to commitments that will take Professor Wax out of the country in May, being overseas for the last part of June, and “prior commitments which will keep her abroad for much of July and away for much of August.”
34. March 29, 2023 – Hearing Board meets to hold internal discussion regarding the conduct of the hearing, including scheduling and the deadlines for the parties’ pre-hearing submissions.
35. March 31, 2023 – Hearing Board sends letter to parties reiterating planned May 1-2 dates and outlining format.
36. April 2, 2023 – Mr. Shapiro, counsel for the Respondent, objects to the deadlines, the proposal to redact students’ names from the transcript, and the May 2 date for the hearing.
37. April 3, 2023 – Hearing Board declines to change the dates and sets a deadline of April 17 for Respondent to submit materials.
38. April 3, 2023 – Ms. Nix-Hines, counsel for the Charging Party, submits documentation for the hearing to the Hearing Board and Respondent.
39. April 4, 2023 – Mr. Shapiro reiterates his objection to the hearing dates.
40. April 10, 2023 – Ms. Nix-Hines requests clarification on hearing procedure and dates.
41. April 17, 2023 – Hearing Board schedules hearing for a third day (May 3).
42. April 17, 2023 – Respondent reiterates objections to hearing dates and again seeks a pre-hearing conference.
43. April 17, 2023 – Respondent submits materials for the hearing to the Hearing Board.
44. April 24, 2023 – Hearing Board meets to discuss process and notifies both parties that the hearing dates will be May 1-3. It further sets forth details of the hearing process.
45. May 1-3, 2023 – Hearing is held. Respondent is advised that she may take whatever breaks she needs to accommodate her health condition. Respondent participates fully in the three-day

hearing, including testifying, making a statement for the record, and examining witnesses. At the hearing, both parties are represented by counsel, present live testimony, are given the opportunity to cross-examine witnesses, submit declarations and expert reports, and provide other documentation in support of their positions.

46. May 5, 2023 – Both parties submit post-hearing presentations to the Hearing Board.
47. May 8, 2023 – Hearing Board meets (in person) to deliberate.
48. May 10, 2023 – Hearing Board sends request to counsel for Respondent, David Shapiro, requesting course syllabi for Professor Wax’s classes.
49. May 16, 2023 – Course syllabi are received by Hearing Board.
50. May 17, 2023 – Hearing Board receives transcripts of Hearing Day 1 and Hearing Day 2.
51. May 18, 2023 – Hearing Board meets (in person) to conduct further deliberations.
52. Between May 18 and June 21, 2023 – Hearing Board continues deliberations and prepares report.
53. May 22, 2023 – Charging Party sends letter to Hearing Board reacting to contents of course syllabi.
54. May 23, 2023 – Transcript of Hearing Day 3 is received by the Hearing Board.
55. May 26, 2023 – Respondent replies to Charging Party’s letter of May 22 concerning the course syllabi.
56. June 3, 2023 – Charging Party replies to May 26 letter from Respondent concerning the course syllabi.
57. June 12, 2023 – Respondent replies to Charging Party’s June 3 letter concerning the course syllabi.
58. June 21, 2023 – Hearing Board submits report to President, copying the Charging Party and the Respondent, and reminds parties of confidentiality expectations. The report provides that the Hearing Board has determined that the Respondent is responsible for a major infraction of University behavioral standards, warranting major sanctions, short of tenure revocation.
59. June 25, 2023 – David Shapiro, counsel for the Respondent, writes to President Magill that objections will be submitted by mid-August.
60. June 27, 2023 – The President’s Office responds by setting a deadline of July 14, 2023, for objections to be submitted.
61. June 29, 2023 – Mr. Shapiro requests a deadline of August 9, 2023.
62. June 30, 2023 – The President’s Office extends the deadline for objections to July 19, 2023.

63. July 18, 2023 – Mr. Shapiro requests a medical-related deadline extension to July 24, and the President’s Office agrees. President’s Office further provides the Charging Party with the opportunity to respond by July 28, 2023.

64. July 24, 2023 – Respondent’s objections are submitted to President Magill.

65. July 28, 2023 – Charging Party’s response to the objections is submitted to the President.

66. August 11, 2023 – President Magill provides the parties with her decision on the report of the Hearing Board and the recommended sanctions.