

NATIONAL
ASSOCIATION
of SCHOLARS

June 19, 2023

Dr. Melissa J. Baumann
President Ohio Northern University
525 South Main Street
Ada, Ohio 45810

Dear President Baumann:

I write again following my letter to you of May 14, and my article, “The Scott Gerber Case Revisited,” published on June 12. While this letter is addressed primarily to you as the person best positioned to correct the serious injustices that Ohio Northern University has committed in this case, it is also intended as a public letter. That’s because the Gerber case has attracted considerable national attention, and there is a need to keep the public abreast of developments.

My June 12 article outlined the case of ONU’s extraordinary step of demanding Professor Gerber resign from his tenured position without due process or any clear statement of what tenure-ending infraction he is accused of.

I also took note in that statement to ONU’s decision to renew the appointment of Dean Charles H. Rose, III, for another five-year term. In view of Dean Rose’s principal role in the attempted extra-judicial firing of Professor Gerber, and of Dean Rose’s use of armed town police to help him do it, his reappointment strikes me as extraordinary. Dean Rose’s use of armed town police also stuck Michele Tafoya, among others, as extraordinary:

<https://www.youtube.com/shorts/YJK5TBcq8eY>

While I have not heard back from you directly in response to my letter of May 14, or my subsequent article, last week I received an email from David A. Kielmeyer, Executive Director of ONU’s Office of Communications and Marketing. Mr. Kielmeyer dutifully informed me that ONU “remains steadfast in its commitment to the open exchange of ideas, regardless of viewpoint.” And he requested that “NAS and other interested parties to withhold judgement until the process is completed and all of the facts may be shared.”

Declarations about commitment to academic freedom are easy to make but sometimes not so easy to carry through. Nothing in ONU’s treatment of Professor Gerber suggests the university is “steadfast in its commitment to the open exchange of ideas.” It has been steadfast so far in its administrators’ refusal to abide by the protections of academic freedom. But Mr. Kielmeyer asks me and others to “withhold judgement.”

In a limited sense we must indeed withhold judgment because ONU has said so little to explain its peremptory actions. We don't know what Professor Gerber is accused of other than the vague charge of insufficient "collegiality," which itself is not listed in the ONU Faculty Handbook as adequate cause for terminating a tenured professor.

Mr. Kielmeyer, however, does flirt with stronger language to fill in the blank of insufficient collegiality. Not wishing to give wings to ungrounded accusations, I won't quote his exact words, but the sum of Mr. Kielmeyer's indictment of Professor Gerber is that ONU doesn't like the manner of Professor Gerber's expression, which somehow poses a danger to "faculty, staff, and students."

It is impossible to know what this really means. We live at a time when colleges are full of loose talk about the "harm" done by the expression of an opinion with which the auditor disagrees. But universities have historically been places in which strong disagreements are aired. Shutting down free expression to "protect" people from hearing views they dislike is unacceptable under the doctrine of academic freedom.

On February 28, shortly before Dean Rose's attempted expulsion of Professor Gerber, you took questions from the ONU faculty about ONU's "strategic plan," which includes further action on "diversity." The minutes of that meeting note: "A question was posed regarding whether social class and diversity of thought are a focus for diversity at ONU. President Baumann indicated that those specific items are not part of our diversity belonging and inclusion plan, and that we will hire the best fit for any faculty openings." Your explicit exclusion of "diversity of thought" from the university's strategic plan rings an ominous note for what followed.

Academic freedom does not justify all forms of speech on all occasions. Lines can indeed be crossed, though instances in which such lines are actually crossed are rare. One college, for example, found it permissible free speech for a faculty member to call publicly on emergency workers to let the wounded die if they were white. On the other hand, a college president who non-reappointed an adjunct faculty member for showing her class a respectful portrait of Muhammad by a Muslim artist was forced to retreat and to resign. In another case, a faculty member known for aggressive advocacy of views at odds with his administration was stripped of tenure and fired. His case eventually went to his state's supreme court, where his right to express his "controversial" views were upheld.

This is to say that the latitude extended to faculty members in American higher education to express their views is very broad. The occasions on which college and university administrations can legitimately sweep away tenure and academic freedom are few and narrow.

So all that I or others who have been observing the situation at ONU have to go on is the assurance by your PR director that, "Our faculty-driven disciplinary process is fair, equitable,

and conforms to the standards of academic due process, and definitively safeguards the academic freedom of our faculty.” It plainly doesn’t look that way. Indeed, the national office of the American Association of University Professors has written to you twice already (on April 19 and again on May 2) about Professor Gerber’s case because your disciplinary process is *inconsistent* with fairness, equity, and academic due process.

I would add that, as someone who served as associate provost in a university for many years and a college provost for several years after that, I am surprised that a university president would delegate to the public relations staff the task of answering a letter such as mine. It bears the stamp of someone attempting to avoid dealing with a fraught issue, and it strongly suggests that you know how weak a hand you are holding.

If Professor Gerber has committed some illegal act, presumably the matter would be before the police and he would be arrested and charged. That hasn’t happened, which leads to the supposition that Professor Gerber must have, in the eyes of the administration, violated some internal rule. But what rule? The unwillingness or inability of the university to make an explicit charge strongly suggests that the attempt to fire Professor Gerber has no sufficient predicate, and this has been a matter of, ‘Let’s get rid of him and find a reason later.’ Or ‘We know we don’t like him, and we are bound to find something that will stick if we just clear him out.’

Perhaps I am wrong about all of that, but the burden is really on ONU to show that it has acted in a law-abiding and ethically appropriate manner. All of the available evidence is that ONU has instead flouted the law and academic ethics. Mr. Kilmeyer’s email shows that ONU acted decisively against Professor Gerber *before* it had gathered the relevant facts. If ONU had proceeded with ordinary precaution, it may well have found no reason at all to act.

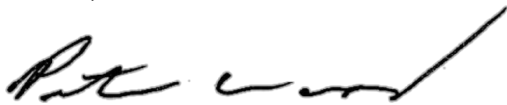
Even at this late date, it would seem to be in ONU’s best interest to hire an independent law firm to investigate Dean Rose’s conduct in this affair. This appears from more than just his animus towards Professor Gerber. Since I began writing about his treatment of Professor Gerber, I have heard from several alumni with their own complaints, including a 2023 alumnus whom Dean Rose falsely accused of plagiarism after observing that the individual had contributed to Professor Gerber’s GoFundMe legal fund. I am in no position to judge the validity of these complaints, but if ONU wishes to maintain the claim that its “disciplinary process is fair, equitable, and conforms to the standards of academic due process,” it would do well to ensure that the university official with most direct responsibility for the action against Professor Gerber has clean hands.

You have heard from a variety of organizations, including the AAUP, that have expressed their profound disappointment in your handling of this whole matter. At this point, ONU’s academic reputation has been severely dented. Worse will inevitably follow. As a student of human character as well as a practiced observer of college and university administration, I have faint

expectation that you will mend your ways. Dr. Kenneth Westhues, the world's leading authority on academic mobbing, warns that the abuse ONU has inflicted upon Professor Gerber indicates that ONU is suffering from "organizational ill, a malfunction, a breakdown of normal academic dialogue, debate, and squabbling, a breach of healthy academic politics" that could lead to the shuttering on the university: <https://www.kwesthues.com/Gerber23.html>.

College presidents come and go, almost always confident that they hold sufficient authority to plot their own course until the moment when they discover that they too are dispensable. I hope that ONU has the resources to right itself after your mishandling of this affair plays out.

Yours,

A handwritten signature in black ink, appearing to read "Peter W. Wood". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Peter W. Wood
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