

WAYNE STATE  
UNIVERSITY  
COLLEGE OF LIBERAL ARTS  
AND SCIENCES

December 10, 2019

Stephanie Hartwell  
Dean, CLAS

Dear Dean Hartwell:

As you must now know, your confidential letter of November 12 was obtained by a student who has now disseminated it in a post on social media. I have been contacted by a reporter from *The Chronicle for Higher Education* for comments, and your letter will likely be further publicized. I can imagine we both share concerns about this development, and I am writing to express mine.

The letter is the result of a disciplinary action, the subject of a current AAUP-AFT grievance in response, and a personnel record containing sensitive information about me and others. Wayne State's decision to provide it is capricious and arbitrary, the result of biased interpretation of its own guidelines, which read: "Recent decisions in the Michigan Court of Appeals and Michigan Supreme Court have limited the ability of the University to protect information contained in personnel files from disclosure under FOIA. *If disclosure is required by law*, the University will make all reasonable efforts to notify the employee when notification is required by FOIA." But at another WSU website, we read, "FOIA has limits. It does not give the public the freedom to acquire . . . records containing highly personal and sensitive information," as is the case here.

The university evidently raised no objections to the disclosure of your letter, though it should have, and nothing in the above wording requires disclosure. Its resulting publication was a malicious act of personal vindication that is defamatory, harassing, and an exceptional violation of privacy. It substantially interferes with my on-going right to defend myself from its accusations—in the absence of any formal charges against me, adequate opportunity to respond to its false statements and conclusions, or my own cross-examination of witnesses. Uploading it online is a statement of personal triumph in the current media environment, an act of malicious destruction of my work and reputation that bears no consideration for its personal effects outside Wayne State University. It stands as an example of "cancel culture," not any form of remedy.

The university has claimed on several occasions that the students' campaign against me is protected speech. Protected speech, however, does not include malicious acts of harm. As applied to the conduct of speech within the university, the Chicago Statement on Freedom of Expression states, "The University may restrict expression that violates the law, *that falsely defames a specific individual, that constitutes a genuine threat or harassment, that unjustifiably invades substantial pri-*

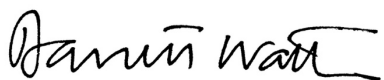
*vacy or confidentiality interests.*” In this case, each of the restrictions on freedom of speech named the Chicago Statement is strongly present:

- *Publishing the letter is defamatory* in that it reproduces the false statements and conclusions of the investigative report, to which I have not had opportunity to reply. In addition, the letter itself contains a number of false statements and innuendos.
- *Publishing the letter is a form of harassment*, especially on social media, where there is no limit to its distribution and it will have untold reputational and personal effects, far beyond Wayne State University. Its publication creates a prejudicial environment that directly interferes with my grievance against the university’s actions and procedures.
- *Publishing the letter is violation of privacy* in publicizing a confidential action that is a part of my personnel record. As General Counsel Lessem has claimed, Wayne State University does not “gratuitously” make available private employee concerns; in this case, however, it gratuitously did so, as it has all along in permitting the student’s defamation of me as protected speech.

The publication of your confidential letter by the student was an outrage, to me and to Wayne State University. It was not an act of social justice but an attempt to defame and injure me personally and professionally, and it shows no regard for its effect on others. The tone and manner of the posting, as well, indicates the vindictive and personal nature of this act. The letter’s publication occurred as part of a long sequence of acts of harassment, both great and small, against me. I hope that the university will dissociate itself from the students’ action, and inform those responsible that they have gone beyond the limits of protected speech in the university.

I hope as well that the university will reexamine its bias toward me, and that we can proceed to the grievance in good faith. Toward that end, it will help create a more neutral climate of opinion if you were to make a public statement of regret for this unreasonable action. The internet publication of your letter, and now its likely republication, goes far beyond what should be acceptable in a university community. Given what it reveals of the students’ real motives, it demonstrates precisely why your disciplinary actions are unwarranted and should be withdrawn.

Yours sincerely,



Barrett Watten  
Professor, Department of English

cc: Boris Baltes, Vice Provost; Caroline Maun, chair, English  
cc: Charlie Parrish; Joseph A. Golden, attorney; Mark Clark, attorney, TraverseLegal  
cc: *The Chronicle for Higher Education*