

January, 2015

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To Whom it May Concern:

We, the undersigned graduate students, would like to attend MTH 996 - Topics in Topology - in the Spring semester of 2015. We feel that this course will cover materials which are beneficial to each of our respective research goals. We would like to inquire as to why this course is not listed in the schedule of courses.

Sincerely,

Wei Fan

Kaveh Kasebian

Kasebian

Metin Ozsarfat

Luke Williams

Ustun Yildirim

Eytem Yildiz

Shu-man Lin

Tah F - 8th

EXHIBIT

tabbles

Fm-1

(11)

From: eylem zeliha yildiz <eziyildiz@msu.edu>
Subject: Re: Teaching Assignments Spring Semester 2015
Date: November 5, 2014 4:23:20 PM EST
To: "Britta M. Altinse" <britta@math.msu.edu>
Cc: "Akbulut, Selman" <akbulut@math.msu.edu>, "Wolfson, Jon G." <wolfson@math.msu.edu>, eylem zeliha yildiz <eziyildiz@math.msu.edu>, <kasebian@msu.edu>, Ustun Yildirim <yildiri3@msu.edu>, Luke Williams <will2086@msu.edu>, <ozsarfat@msu.edu>

Dear Britta,

As Prof. Akbulut had ensured that the class MTH-996-2 will take place in Spring Semester 2015 on Tuesdays and Thursdays 2:30-4:00 pm. We want to fit this class in our schedule, we would like you to consider this class time when you are setting up our teaching assignments. We are worried since we are still not allowed to register to this class officially.

Best

Eylem Zeliha YILDIZ
Kaveh KASEBIAN
Metin OZSARFATI
Ustun YILDIRIM
Luke Morgan WILLIAMS

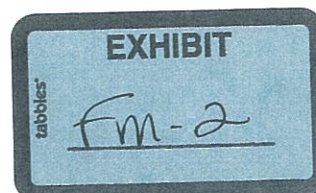
On Nov.3, 2014, at 1:09 PM, Britta M. Altinse <britta@math.msu.edu> wrote:

Grad Students,

I will start with the assignments for SS15 the next few days. I will match your schedule with the teaching schedule. If you haven't signed up for your classes yet, you have to do so today or tomorrow.

Thanks,

Britta Altinse
Graduate Student Coordinator
Department of Mathematics
Michigan State University
619 Red Cedar Road
C213 Wells Hall
Phone: 517-353-6338
Email: britta@math.msu.edu



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From: Carolyn Wemple wemple@math.msu.edu
Subject: RE: Health insurance -verification
Date: January 25, 2016 at 4:44 PM
To: Akbulut, Selman akbulut@math.msu.edu

Professor Mohammadai Asadi Golmankhaneh paid his own health insurance premium in the amount of \$1,408.84. I do not remember the specifics relating to how/why this was reimbursed from department funds.

Carolyn Wemple
Research Administration
Michigan State University
Department of Mathematics
619 Red Cedar, Rm C-209 Wells Hall
East Lansing, MI 48824

Phone: 517.432.8430
Fax: 517.355.5279
Email: wemple@math.msu.edu

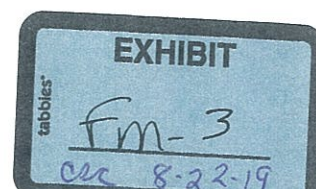
-----Original Message-----

From: Akbulut, Selman
Sent: Monday, January 25, 2016 11:02 AM
To: Carolyn Wemple <wemple@math.msu.edu>
Subject: Health insurance -verification

Sear Carolyn,

Could you please verify the validity of the following: "The visitor Professor Mohammad Asadi did cover his health insurance himself (he presented his credit card receipts showing that he did that). At no time neither Professor M. Asadi nor Professor S. Akbulut asked his health insurance to be covered (or what he had paid for his health insurance to be compensated) by the math department".

Best Regards,
Selman



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Confidential

Respondent Promislow said Claimant had committed \$10,000 from this grant to support Mr. Asadi. Respondent Promislow said that this grant only had \$8,000 in funding available. The grant was therefore, considered "encumbered." Respondent Promislow said Mr. Asadi needed additional financial assistance for health insurance, which was a requirement of his Visa. Respondent Promislow said he provided \$5,000 out of the Department's Michigan Center for Industrial and Applied Mathematics funding for Mr. Asadi's health insurance coverage so that his visa would not be revoked.

Respondent Promislow said, "[The Claimant] 'also had a focus research grant.' Respondent Promislow said this 'grant is shared, and harder to use. But it is possible to use it.' Respondent Promislow said that the Claimant could have used the funds from this grant to provide financial support to student Luke Williams, if he had requested this use of the grant funds. Respondent Promislow said that Claimant had not communicated to "anyone" that he would provide the financial support from this grant for Mr. Williams to take the Topics class. Respondent Promislow said that Claimant had not even communicated this information to Mr. Williams. Respondent Promislow said Ms. Wemple told him that Claimant had stuck "his head in her office" one day and said he wanted her to pay for something. According to Respondent Promislow, Ms. Wemple had no idea what Claimant meant and therefore took no action on Claimant's statement. Respondent Promislow said Claimant "could have been referring to anything." Respondent Promislow said, "No one knew what [the Claimant] had decided [regarding the use of his grants] until it became a University-wide issue."

Respondent Wolfson said Mr. Williams "could also have declined the funding award." According to Respondent Wolfson, Mr. Williams told Britta Altinsel, Graduate Secretary, that he "did not want to take the Topics class." Respondent Promislow said Mr. Williams told him, "No one told me that I could get funding for that class."

Respondent Promislow said the Claimant filed a grievance with the Faculty Grievance Office ("FGO") regarding the cancellation of his Topics class. Respondent Promislow said the FGO dismissed the Claimant's complaint after Respondent Promislow filed his response to the grievance.

Respondent Promislow said the Claimant was assigned to teach another lower level class after the Claimant's Topics class was cancelled. Respondent Promislow said that Claimant refused to teach the class, even after being instructed to do so by Dr. Curry of Academic Human Resources. Respondent Promislow said Dr. Curry found that the Claimant abrogated his teaching responsibilities by refusing to teach the lower level class and thus reduced the Claimant's compensation. Respondent Promislow said the Claimant's salary was reduced to compensate the Department for funding another instructor to teach the class and to cover Dr. Asadi's expenses. Respondent Promislow said the total salary reduction was \$15,000: \$10,000 to cover the other instructor's salary and \$5,000 to cover Dr. Asadi's expenses.

EXHIBIT

tabbies

Fm-4

cc 8-22-19

Confidential

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Respondents Wolfson and Promislow were interviewed together on September 29, 2015.⁷ The Respondents were advised of the Policy, the investigation process, investigator neutrality, confidentiality, and the no-retaliation policy. The Respondents were provided with a copy of the Policy.

Respondent Wolfson said it was Department policy to cancel a class if fewer than five students had enrolled by the registration date. He said the Department "needs deadlines" or there would "be no end" to students enrolling and dropping classes. Respondent Wolfson said students were notified by email of the October 2014, enrollment deadline and reminded again line via email. Respondent said he "encourage[ed]" students to enroll.

Respondent Promislow said the process for class enrollment was "applied uniformly" to all classes. When asked if there were any classes with fewer than five students enrolled which were not canceled, Respondent Promislow said there was "one qualifying exam class that had to run." Respondent Promislow said that Department policy required that qualifying exam classes be run even if only one student enrolled. Respondent Wolfson said Industrial Math 844 also ran although there were fewer than five students enrolled. Respondent Wolfson said Industrial Math 844 is not part of the PhD program. Rather, according to Respondent Wolfson Industrial Math 844 is a master's degree program service class for engineers that runs regardless of the number of students enrolled and does not get cancelled. Respondent Promislow corroborated this information and said that Industrial Math 844 did not open until November 2014 and was "outside of [Respondent Wolfson's] scope" to cancel. Respondent Promislow said he cannot "cancel that class" either.

Respondent Promislow said the Department's policy of canceling classes with fewer than five enrolled students, was "very longstanding" and was a "college-level policy." He said however, "It was not enforced strongly before." Respondent Wolfson said, "Previous to Casim Abbas [the Graduate Director who immediately preceded Respondent Wolfson], [the policy] was rigorously enforced."

Respondent Promislow said that in September 2014, it was "announced broadly to students" that they would need to enroll in classes by mid-October, 2014. Respondent Wolfson said he sent students reminder emails of the enrollment deadline on October 7 and October 14, 2014. Respondent Wolfson said the Claimant responded to one of the emails and thus was aware of the enrollment deadline. Respondent Wolfson said, "There was no lack of understanding on [the Claimant's] part that [the Topics class] would be canceled" if the enrollment threshold was not met. Respondent Promislow said the Claimant taught a "reading" class on the same subject matter during spring semester 2015, although the Topics class had been cancelled. Respondent Promislow said the Claimant had two grants. The first grant was encumbered as Claimant had invited Dr. Mohammad Asadi, a scholar from Iran, to come to MSU to study and teach a class.

⁷ Ms. Abdnour and Ms. Leahy conducted this interview.

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Date: October 14, 2014 11:19:38 AM EDT
To: "Akbulut, Selman" <akbulut@math.msu.edu>
Subject: Re: final notification

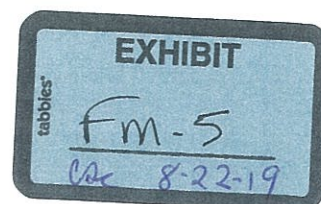
Selman,

I just emailed Britta about an override for this course... hopefully we can get the numbers there.

Luke

On Oct 14, 2014, at 2:37 PM, <kasebian@msu.edu>
<kasebian@msu.edu> wrote:

Dear Selman I just requested an override for the class, it will take a while to let me register but I will do that as soon as I can.



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From: Luke Williams <will2085@msu.edu>
Subject: Re: Wrongful course cancellation
Date: November 5, 2014 7:21:14 PM EST
To: "Akbulut, Selman" <akbulut@math.msu.edu>
Cc: "Promislow, Keith S." <kpromisl@math.msu.edu>, Richard Schwartz <schwart9@cns.msu.edu>, "Karen L. Klomparens (kklompar@grd.msu.edu)" <kklompar@grd.msu.edu>, Jim Kirkpatrick <jrkirk@cns.msu.edu>, Carolyn Wemple <wemple@math.msu.edu>, "Koivisto, Beth" <koivisto@math.msu.edu>

Selman has asked me to outline enrolling for MTH 996.002:

MTH996 courses require a departmental override - preventing me from enrolling without one. I requested that override on October 14th via an email written to Britta Altinsel. That same morning, Britta reminded me that the Dissertation completion fellowship only waives one credit of tuition. Upon realizing that I would owe the remaining two credits in tuition, I told Selman that in light of the cost, I would not be able to take the course.

Selman told me not to pay for the course, that he would look into it. In the meantime, I didn't pursue the override any further as I didn't know where, or if, the funding would come through. I assumed that if the funding was secured for the remaining two credits, that I would be allowed to enroll then.

Please let me know if there is any other information that I can provide.

Sincerely,
Luke Williams

On Nov 5, 2014, at 5:58 PM, Akbulut, Selman wrote:

Dear Luke,

Can you please explain your version of the story? I already wrote multiple times what I know about this.

To capsulize my version: "You came to my office several times asking to take the class, then you complained that GS office is asking you to pay money for registration for this course. I said to you "Please do not pay, if that is the case I have NSF grant money to cover it" then I went to our NSF admin. Carolyn asked her to cover for Luke, Carolyn said, "No problem it will be taken care of". This was all before Oct-20th

Best Regards,
Selman

On Nov 5, 2014, at 5:31 PM, Schwartz, Richard wrote:

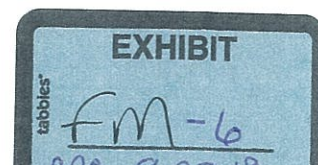
Dear Selman,

I think that you misunderstand my role in whether your class is delivered or not. Whether an elective class is delivered in a given semester is really the prerogative of the chair. My role here was to provide an opinion about what has transpired in the hope that the parties involved can resolve their disagreements, not to decide whether your course is delivered or not.

As I said in my earlier email, my main concern was whether Luke Williams was somehow inappropriately prevented from taking the course. Any graduate student in math would have been free to enroll in the course by simply going online and selecting the course. They don't even need to pay at the time of online enrollment, but rather receive a bill that is due about a month before the start of classes. The electronic enrollment records for Luke show that he never enrolled. There is also no record of the grad director or anyone dis-enrolling Luke nor is there any record of the grad director or anyone having placed a hold on Luke's ability to enroll. It may be the case that the grad director advised Luke against taking the course, but that is within his purview. Nonetheless, even if the grad director advised against taking the course, there was no physical or mechanical barrier to Luke's enrollment. If Luke was mistakenly told that the grant could not pay for the course, he still had a sufficient window before payment was due to work out a means of paying for the course. The evidence shows that for whatever reasons, Luke never chose to enroll. If Luke feels that he was somehow prevented from legitimately enrolling, I believe that we would all like to hear about the circumstances from Luke.

Rich

Richard Schwartz, Ph.D.
Professor
Associate Dean for Graduate Academic and Student Affairs
College of Natural Science
Michigan State University
288 Farm Lane, Room 103
East Lansing, MI 48824-1115



Date: August 15, 2014 6:34:51 PM EDT
To: Carolyn Wemple <wemple@math.msu.edu>
Subject: Re: visit to MSU

Before answering that question, can you answer the following: Won't he award he won from the dept (may be it was from CNS) cover that?

On Aug 15, 2014, at 3:28 PM, Carolyn Wemple wrote:

Will you support Luke Williams with a ¼-time research assistantship for fall?

From: Akbulut, Selman
Sent: Friday, August 15, 2014 2:53 PM
To: Carolyn Wemple
Subject: Re: visit to MSU

Yes just in case I should emphasise he wrote "Let me clarify. I would like the proceeds of the 10K to go to the support of graduate students in as much as possible", this means "as much as possible" not every cent of it.

Selman

On Aug 15, 2014, at 2:26 PM, Carolyn Wemple wrote:

Hello Selman,

I spoke with Keith regarding your visitor teaching this fall. If he arrives by August 22nd we should be able to provide a teaching assignment for fall semester. However, if he does not arrive by that date we will proceed with finding a teaching assignment for spring semester.

This will make the \$10,000 available for you to support grad students in fall and spring. Keith's terms are that the visitor can teach but you will then be required to support your grad student(s) in the coming academic year with assistantships.

Please let me know if you have questions ... carolyn

From: Ginther, Anne
Sent: Friday, August 15, 2014 2:11 PM
To: m.asadi@urmia.ac.ir
Cc: Promislow, Keith S.; Carolyn Wemple; Koivisto, Beth; Anderson, Katy; Akbulut, Selman
Subject: RE: visit to MSU

EXHIBIT

Fm-7

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Subject: Fwd: cancelled classes
Date: October 21, 2014 6:15:50 PM EDT
To: Carolyn Wemple <wemple@math.msu.edu>

Dear Carolyn,

Remember I had asked you redirect my remaining NSF grant money to help my grad students Luke and Wei. Today I hear GS office prevented my student Luke to register to my 996 class (Topics in Topology) in Spring, because he couldn't pay a few hundred dollar registration fee, and so my class is cancelled because it has only 4 registered students (the requirement is 5). If I can not spend NSF grant money to a successful PhD student who can I spend it for?

Selman

Begin forwarded message:

From: "Wolfson, Jon G." <wolfson@math.msu.edu>
Date: October 21, 2014 4:36:07 PM EDT
To: "Wang, Chang Yi" <cwang@math.msu.edu>, "Hu, Hui" <hhu@math.msu.edu>, "Ivanov, Nikolai" <ivanov@math.msu.edu>, "Akbulut, Selman" <akbulut@math.msu.edu>
Cc: "Britta M. Altinse" <britta@math.msu.edu>
Subject: cancelled classes

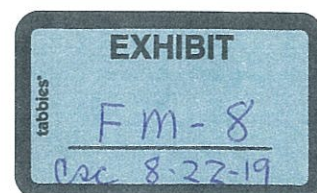
Hi All,

Unfortunately because of low enrollment we have been forced to cancel the following classes in SS15:

Math 840, Math 842, Math 864, Math 996 Section 1 and Math 996 Section 2.

My apologies for the inconvenience.

Jon



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From: Akbulut, Selman akbulut@math.msu.edu
Subject: Fwd: visit to MSU-Luke Williams
Date: January 31, 2016 at 4:14 PM
To: Carolyn Wemple wemple@math.msu.edu

Dear Carolyn,

Could you please verify that I did cover 1/4-assistantship support for Luke Williams for Spring/2015 (if not what did I cover?). Thanks in advance.

Selman

Begin forwarded message:

From: Carolyn Wemple <wemple@math.msu.edu>
Subject: RE: visit to MSU-Luke Williams
Date: August 18, 2014 at 1:35:38 PM EDT
To: "Akbulut, Selman" <akbulut@math.msu.edu>
Cc: "Koivisto, Beth" <koivisto@math.msu.edu>, "Promislow, Keith S." <koromis@math.msu.edu>

If you do not support Luke Williams will you be supporting another grad student this fall?

Luke has asked for his fellowship in spring 2015 and we can make arrangements to provide him with the additional \$2,700 through the student project pay process. This will bring his total compensation for spring up to the normal amount.

He currently has a 1/2-time teaching assistantship for fall semester. This is where my question lies ... will you be providing a 1/4-time research assistantship? If so we need to amend the current appointment.

Please let me know if you have questions ... carolyn

OK you can pledge \$2,700 to Luke, we still have to pay something towards the air tickets of 4 students coming to SCGP then how much would be left?

From: Akbulut, Selman
Sent: Saturday, August 16, 2014 9:51 AM
To: Carolyn Wemple
Subject: Fwd: visit to MSU-Luke Williams

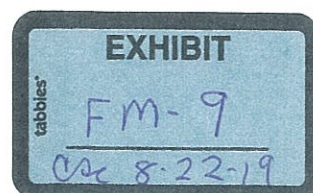
Dear Carolyn,

And to add: If Luke's CNS award does not provide for that (or if not enough to buy off 1/4-RA for him), of course we can use it for that purpose, which would be about 7K, then we can use the remaining 3 K towards travels of the grad students who are going to SGCP conference next week.

<http://scgp.stonybrook.edu/archives/9733>
<http://scgp.stonybrook.edu/archives/9729>

Selman

Begin forwarded message:



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From: Wolfson, Jon G. wolfson@math.msu.edu
Subject: Re: 992-002
Date: October 24, 2014 at 1:10 PM
To: Akbulut, Selman akbulut@math.msu.edu
Cc: Promislow, Keith S. kpromisl@math.msu.edu, Britta M. Altinsei britta@math.msu.edu

Selman,

I made a decision on course cancellations on Oct. 21 based on enrollment on that date. The deadline of Oct. 20 was announced to faculty twice over a two week period and graduate students were warned to enroll three times. The decision has been made. I cannot revisit the decision for you and then not allow other reconsiderations. The consequence of such a policy is that there are never any deadlines.

In addition, you must understand that Luke Williams cannot have a Dissertation Completion Fellowship and take courses. There is a college policy permitting only one credit in the semester that the DCF is used.

In any case, deadlines are deadlines. A decision has been made. It's time to move on. There are many things to do. You are welcome to teach a topics course in the future.

Best,

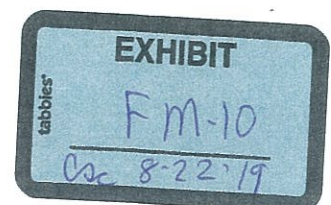
Jon

On Oct 24, 2014, at 12:10 PM, Selman Akbulut <akbulut@math.msu.edu> wrote:

Jon,

I think there is a misunderstanding, Spring/996-002 has 5 students K.Kasebían, M.Ozsarfati, U.Yildirim, E. Yildiz, L. Williams, it should not be cancelled (I just approved the override request for Luke Williams to take a course). In the past, I bought teachings for my grad students Wei Fan and Luke Williams with my NSF grants (both are finishing their PhD's this year). If need be some money can be kicked in to help Luke to take this course, even though I really don't see why there should be any obstruction for him taking this course, probably he is the one who will benefit most from this course, and his participation will generate motivation for others.

Selman



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From: Koivisto, Beth koivisto@math.msu.edu
Subject: RE: A request
Date: February 1, 2016 at 4:00 PM
To: Akbulut, Selman akbulut@math.msu.edu

Hi Selman,

I must have misunderstood you, there isn't a policy that math grad student with DCF cannot take more than one credit. The DCF only pays for one credit. You agreed to pay Luke the \$2,700 to supplement the difference in his income from an assistantship to the DCF.

Best,
Beth

From: Akbulut, Selman
Sent: Monday, February 01, 2016 3:44 PM
To: Koivisto, Beth <koivisto@math.msu.edu>
Subject: Fwd: A request

Dear Beth, I need this info by tomorrow's 9:30 AM meeting.

Selman

Begin forwarded message:

From: Selman Akbulut <akbulut@math.msu.edu>
Subject: A request
Date: February 1, 2016 at 2:17:56 PM EST
Cc: Carolyn Wemple <wemple@math.msu.edu>
To: "Koivisto, Beth" <koivisto@math.msu.edu>

Dear Beth,

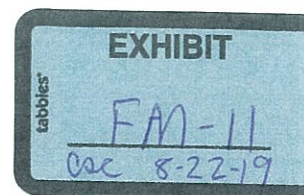
Could you please send me the written rule that math grad student with DCF CAN NOT take more than 1-credit. The following are the two links Keith sent it to dept explaining DCF rules and assistantship rules:

<http://grad.msu.edu/fellowships/dissertation.aspx>

<https://prime.natsci.msu.edu/current-students/assistantships-fellowships-and-funding/>

The first link says "Unlike graduate assistantships, these fellowships do not include student health insurance or tuition/fee waivers".

My second question to you is: Why was it necessary to charge me \$2,700 because Luke was receiving DCF (this is what I was told by Carolyn) what did this money



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From: "Lin, Shu-Man" <linshuma@math.msu.edu>
Subject: **FW: Math Override Request Form**
Date: January 11, 2015 9:21:38 AM EST
To: "Akbulut, Selman" <akbulut@math.msu.edu>

From: no_reply@math.msu.edu [no_reply@math.msu.edu]
Sent: Wednesday, October 22, 2014 4:08 PM
To: linshuma@msu.edu
Subject: Math Override Request Form

Thank you for submitting your override request for Math 996

Please review your request displayed below for accuracy. If you would like to edit or delete the request, please go to the [Override Request Form](#) and update your request.

Override Request Id #: 14443

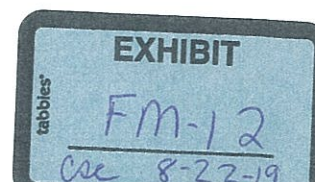
Semester: Spring 2015

Course: 996

Section(s): 002

Reason: needs extra person to be enrolled.

You will receive another email once a decision has been made. Please wait to enroll until after you have received a response. Staff are unable to give you a timeline on how long it will take for an override to be approved!



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[REDACTED]

From: "Lin, Shu-Man" <linshuma@math.msu.edu>
Subject: **Re: Math Override Request Form**
Date: January 11, 2015 9:13:41 AM EST
To: "Akbulut, Selman" <akbulut@math.msu.edu>

My override request was never processed. I made it the day before at night.

On Jan 11, 2015 9:11 AM, "Akbulut, Selman" <akbulut@math.msu.edu> wrote:
This is a reply to your "override request", when was your override request? same day or before?

On Jan 11, 2015, at 9:06 AM, Lin, Shu-Man wrote:

>
> Here are the facts.
>
> ----- Forwarded message -----
> From: "no_reply@math.msu.edu" <no_reply@math.msu.edu>
> Date: Oct 22, 2014 4:08 PM
> Subject: Math Override Request Form
> To: "linshuma@msu.edu" <linshuma@msu.edu>
> Cc:
>
>> Thank you for submitting your override request for Math 996
>>
>> Please review your request displayed below for accuracy. If you would like to edit or delete the
request, please go to the Override Request Form and update your request.
>>
>>
>> Override Request Id #: 14443
>>
>> Semester: Spring 2015
>>
>> Course: 996
>>
>> Section(s): 002
>>
>> Reason: needs extra person to be enrolled.
>>
>>
>> You will receive another email once a decision has been made. Please wait to enroll until after you
have received a response. Staff are unable to give you a timeline on how long it will take for an override
to be approved!

EXHIBIT

Fm-13

26

From: Selman Akbulut <akbulut@math.msu.edu>
Subject: Re: Math 996
Date: January 10, 2015 9:55:33 PM EST
To: "Promislow, Keith S." <kpromisl@math.msu.edu>
Cc: <kasebian@msu.edu>, <ozsarf@msu.edu>, <yildir3@msu.edu>, <ezyildiz@msu.edu>, Luke Williams <will2086@msu.edu>, "Lin, Shu-Man" <linshuma@math.msu.edu>, Wei Fan <fanwei2011619@gmail.com>

Dear Keith,

Correction: Our Topology Student Seminar is in the usual time: Fridays 4:00-6:00 PM in C-329 Wells (not to be confused with departmental Topology Seminar on Mondays 4:00 PM in C-304 Wells). The Topics course Math 996 will be TuTh 2:30- 4:00 PM in A-304 WH.

Best Regards,
Selman

On Jan. 10, 2015, at 9:20 PM, Promislow, Keith S. wrote:

Dear Students,

Thank you for your letter, your dedication to your studies is commendable. My understanding is that Professor Akbulut intends to hold a seminar on Four Manifolds this spring with regular meeting times. I strongly encourage this, and suggest that you consider registering as a reading course, if Prof. Akbulut is willing, should you wish to receive credit.

Sincerely, Keith Promislow

Keith Promislow
Professor and Chair
Dept. of Mathematics
D205 Wells Hall
619 Red Cedar Road
East Lansing, MI, 48824
517-432-7135

From: Akbulut, Selman
Sent: Friday, January 09, 2015 3:56 PM
To: hiring-faculty
Subject: Fwd: Math 996

Begin forwarded message:

From: "will2086@msu.edu<mailto:will2086@msu.edu>" <will2086@msu.edu<mailto:will2086@msu.edu>>
Subject: Fwd: Math 996
Date: January 9, 2015 1:26:52 PM EST
To: "Akbulut, Selman" <akbulut@math.msu.edu<mailto:akbulut@math.msu.edu>>

Selman,

In lieu of a signature for Wei, I've attached the following email containing his desire to sign. Please find the attached letter from the seven of us.



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AFFIDAVIT

I, Wei Fan, being duly sworn, depose and say:

1. That I am a graduate student at Michigan State University.
2. That I am familiar with Dr. Selman Akbulut as a professor in the Math Department.
3. That during the 2015 Spring semester, I am taking Math 996 Topics in Topology

course taught by Professor Akbulut, and the university receiving my tuition for this class.

4. That course is presently held on Tu, Thur, 304A Wells Hall at 2:30-4:00 pm

5. That there are at five registered students attending this class regularly, with two visiting faculty and occasionally another student auditing the class.

6. That Professor Akbulut is at each of the classes provides instruction and leads discussions as in any regularly scheduled class, and provides us complete notes for the class.

7. That this is not a seminar, reading, or independent study course.

8. That this class requires all enrolled students to participate in class discussion, complete all assignments, and receive a grade base on my objective performance in this class.

Further, Affiant saith not.

Date: April 13, 2015

Wei Fan

Print name:

STATE OF MICHIGAN)
COUNTY OF INGHAM)

Subscribed and sworn to before me, a Notary Public, this 13 day of April, 2015.

Notary Public:
County/State: Clinton / NY
My Commission Expires: 7/4/19
Acting in: English

Notarizing
Signature
only

BENJAMIN TUREK
NOTARY PUBLIC, STATE OF MI
COUNTY OF CLINTON
MY COMMISSION EXPIRES Jul 4, 2018
ACTING IN COUNTY OF Franklin

AFFIDAVIT

I, Eylem Zeliha YILDIZ, being duly sworn, depose and say:

1. That I am a graduate student at Michigan State University.
2. That I am familiar with Dr. Selman Akbulut as a professor in the Math Department.
3. That during the 2015 Spring semester, I am taking Math 996 Topics in Topology

course taught by Professor Akbulut, and the university receiving my tuition for this class.

4. That course is presently held on Tu Th 304 A Wells Hall at 2:30-4:00 pm

5. That there are at five registered students attending this class regularly, with two

visting faculty and occasionally another student auditing the class.

6. That Professor Akbulut is at each of the classes provides instruction and leads

discussions as in any regularly scheduled class, and provides us complete notes for the class.

7. That this is not a seminar, reading, or independent study course.

8. That this class requires all enrolled students to participate in class discussion,

complete all assignments, and receive a grade base on my objective performance in this class.

Further, Affiant saith not.

Date: April 10th, 2015

Eylem Zeliha YILDIZ
Print name:

STATE OF MICHIGAN)
COUNTY OF INGHAM)ss

Subscribed and sworn to before me, a Notary Public, this 10th day of April, 2015.

KATIE HAMELIN
NOTARY PUBLIC, STATE OF MI
COUNTY OF INGHAM
MY COMMISSION EXPIRES Mar 27, 2018
ACTING IN COUNTY OF *Ingham*

Notary Public:

County/State: Ingham, Michigan
My Commission Expires: March 27, 2018
Acting in: Ingham



Selman Akbulut <akbulut.selman@gmail.com>

Wrongful course cancellation

Thu, Oct 30, 2014 at 11:34 AM

Schwartz, Richard <schwartz9@cns.msu.edu>

To: "Selman Akbulut (akbulut@math.msu.edu)" <akbulut@math.msu.edu>

Cc: "Promislow, Keith S." <kpromisl@math.msu.edu>, "Karen L. Klomparens (kklompar@grd.msu.edu)" <kklompar@grd.msu.edu>, "Kirkpatrick, Jim" <rjkirk@cns.msu.edu>

Dear Selman,

I don't see any problem with the general process that Keith has instituted for deciding which classes have sufficient enrollment to move forward and which do not. This process needs to have deadlines, and it looks like the process was publicized and all instructors received low enrollment warnings prior to cancellations.

The more serious issue is whether or not your student, Luke Williams, was prevented from registering for the course. Luke never registered for the course. No one blocked his ability to register for the course. No one removed his enrollment in the course. He did express interest in the course, but could not afford to pay the tuition. Your generous offer to pay Luke's tuition from your NSF grant did not offer a solution because the grant is fully encumbered. On learning this, Luke apparently chose not to enroll, not having any means of paying the tuition.

Placing myself in Keith's shoes, this presents the choice between scheduling a course that will likely need to be canceled for under enrollment, placing the students in the position of needing to reschedule their coursework at the last minute, or simply canceling the course now and allowing the students to set up their Spring semester schedules in a timely fashion. He chose the latter. I believe that it was a reasonable decision.

I think that it is time to move beyond your frustration at the course being canceled and focus on your other academic activities. In skipping a year, demand for the course will accumulate and the enrollment will be there for next year.

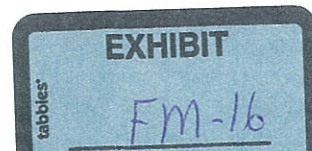
Regards,

Rich

Richard Schwartz, Ph.D.

Professor

Associate Dean for Graduate Academic and Student Affairs



MICHIGAN STATE UNIVERSITY

Department of Mathematics

1



Teaching Load

Hello Selman Akbulut,

Your default annual teaching load is: 3

If the default annual teaching load is incorrect, please contact ll@math.msu.edu.

For the Fall 2015 / Spring 2016 academic year please specify what you think your teaching load should be (based upon previous arrangements):

Will you be available to teach in the fall of 2015?

☐ Definitely Yes ☐ Definitely No ☐ Uncertain

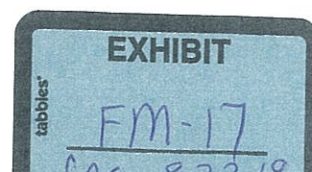
Will you be available to teach in the spring of 2016?

☐ Definitely Yes ☐ Definitely No ☐ Uncertain

[Submit](#)

MICHIGAN STATE
UNIVERSITY

Department of Mathematics | College of Natural Science |
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MSU is an affirmative-action, equal-opportunity employer.



[REDACTED]

2

From: wald@math.msu.edu
Subject: Departmental Teaching Assignment: Akbulut, Selman
Date: August 20, 2014 at 2:01 AM
To: akbulut@math.msu.edu

Dear Colleagues,

Attached is your current assignment. Please check carefully what is listed and let me know right away if there is an error.

Early next week please check the tally again to confirm the location of your class.

This is an opportune time for me to let you know that I have stepped down from the role of Undergraduate Director. Bruce Sagan is our current Undergraduate Director. I will be continuing as Associate Chair.

I'd like to welcome Bruce and thank all of you for your helpfulness during my term, especially those of you who selflessly worked so hard on undergraduate committees, projects and instruction.

Best,
Jeanne

Instructor: Akbulut, Selman

FS14
MTH 496, section 002
Class type: SmallClassLec
Location: A106 WH
Schedule: days: M W F time: 15:00 - 15:50

SS15
MTH 425, section 001
Class type: SmallClassLec
Location: A316 WH
Schedule: days: M W F time: 12:40 - 13:30

SS15
MTH 996, section 002
Class type: SmallClassLec
Location: A218 WH
Schedule: days: T R time: 13:50 - 15:40

For up to date lists of all teaching assignments for all personnel, please refer to the Infoserver's 'Departmental Teaching Tallies' application at <https://mathdata.msu.edu/msudata/Tally0.asp>.

December 1, 2016

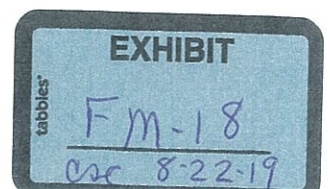
Open letter to President Lou Anna Simon and Provost June Youatt,

There has been serious discrimination and bullying cases of both faculty and grad students in the math department. Targeted are usually the foreign grad students, and the faculty who are critical of Chairs and CNS deans unethical and discriminatory conduct in the related issues. So far various specific cases have been discussed on our websites and blogs, and reported by the MSU's own Office of Institutional Equity. While math Chair and CNS dean (as culprits) will not deal with this, we hope that you deal with this urgently.

H/any
V. Peller

Selman Akbulut

Sincerely Yours,
Professors of Math Department
Michigan State University
Selman Akbulut
Kirill Vaninsky
Vladimir Peller



Dear Dean James Kirkpatrick,

03/26/2016

In the Spring 2015 semester I thought two classes that had been officially assigned to me (Math 425 and Math 996) by the Associate Chair Jeanne Wald, who was in charge course assignments at the time; but strangely I was penalized by an "Abrogation of Duty" penalty which came with %10 Salary cut for not doing my job, with the charge that the course Math 996 did not exist. I am asking you to help me remove this unprecedented unfair penalty from my academic record by MSU's "Administrative Review" process. I have supporting documentation in my possession showing that I did my job properly (some of these evidences came to my possession recently). I feel having a meeting with you to explain these documents first hand is important, since I have not been granted such a meeting previous to getting these penalties. Here are the summary of the events, which I have supporting documentations:

- Math Chair declared that the research topics course Math 996 which I taught in Spring/2015 did not exist, from lack of students. This course in fact took place and successfully completed with the required number of students. This course had 5 registered students, plus 1 auditing student and 2 visiting faculty from Japan and Iran. I have signed affidavits from the 5 registered students that they had been registered participants of this class (after students protests Chair had allowed students to register this course under different registration numbers then 996, different for each student, so that this course would not be recorded as one coherent course in the books). Two of these students completed their PhD's in that semester from this class, in fact their PhD theses were originated from the problems suggested by that class notes, and the class notes are now being published by Oxford University Press.
- Math Chair attempted to close this course by preventing registration of one student Luke Williams by the excuse that "he was awarded Dissertation Completion Fellowship (DCF) from CNS and CNS covers only 1 credit and since this is a 3-credit course he could not participate". Getting a DCF no doubt is a sure sign of strong PhD student, who can benefit and contribute to such a research course. I have the documentation that this student did fill an "override request" before the registration deadline Oct-20, but was prevented from enrolling by the GS office. Furthermore, I have documentation that way back in the previous August I was asked and paid \$2,700 from my NSF funds in the form of research assistantship for this grad student to complement his DCF covering such expenses. So this student was officially my RA, not to mention that I had been supporting him by course buyouts and sending him research conferences in the previous years (If he is my research assistant, it is only natural that he should be in my research class which he can benefit).



- But in October Chair and GS Chair were still preventing Luke from enrolling to this class asking more enrollment fee for 2 extra credits for Math 996. Upon hearing this I told Luke do not pay anything "You are my PhD student, I will take care of this", then I gave instructions to our financial secretary Carolyn Wemple to pay for extra credits if need be from my NSF grant before the registration deadline Oct 20, and she agreed to comply (I have documentation of this) so that class will not be cancelled on the deadline from lack of 5 registered students.
- Afterwards Chair was still declaring this course nonexistent because my NSF grants were encumbered, so I can not cover Luke's credits (at the time I had three NSF grants and my account had \$85,000 available funds in). When I complained, I was told to go to the official Ombudsman of CNS Associate dean Richard Schwartz for a resolution. Schwartz did not grant me in person meeting to explain, but after reviewing the case and talking to Chair he supported Chair's actions by saying (exact quote): "Luke Williams did express interest in the course but could not afford to pay the tuition. Your generous offer to pay Luke's tuition from your NSF grant did not offer a solution because the grant is fully encumbered. On learning this, Luke apparently chose not to enroll. not having any means of paying tuition". I am attaching a memo showing that at the time Schwartz wrote this, I had \$85,000 available funds in my NSF account.
- **Epilogue:** Since Chair hadn't acknowledge the existing of Math 996, he had tried to load me yet another third (calculus) course in that semester which I refused, because it was not my official teaching assignment (announced year before). This is the source of Chair getting me Abrogation of Duty penalty. Now since then, Chair acknowledged that what he was doing was wrong, and he will be giving me teaching reduction in the 2016-2017 academic year to compensate my loss of %10 salary cut (this was announced in his email message to faculty list last August). But now I really want to erase the "Abrogation of Duty" penalty from my academic record in provosts office all together.

I can present all the supporting documents when I meet you, as examples I am attaching two documents one is Ombudsman Associate Dean Schwartz's letter telling that my course was prevented because my NSF grants were encumbered, the other is the official memo from our financial secretary C. Wemple that, at that time my NSF grant had \$85,000 available. I am deeply disappointed that NSF grants which come with generous overheads can even be used as excuses to prevent research classes (and prevent PhD students taking these classes) on the very subject of the grant. I hope you will give a fair consideration to this Administrative Review request.

Selman Akbulut

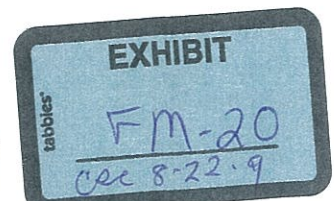
Professor of Mathematics,
Michigan State University
Summary next page →

Summary: MSU policy clearly states that *The principles and procedures to be used in instances of academic dishonesty, violations of professional standards, and falsification of academic records, herein after referred to as academic misconduct. The principles of truth and honesty are recognized as fundamental to a community of scholars. The university expects both instructors and students to honor these principles.* I find it disturbing that Chair is not upholding these principles. There is a long list of his fraudulent claims, which he made. For example, in the Spring/2015 dept meeting Chair stood in front of the whole dept announced that my NSF grants were encumbered (that is why I was penalized \$15,000) which is proved to be wrong by the NSF official memo (issued from math dept's financial office) that my NSF account had \$85,000 available funds at that date (this was his excuse why he was preventing a grad student enrolling to my grad course, because he couldn't find \$600 to pay for his course credit from my account). Also in Fall 2015 dept meeting Chair announced to whole dept that \$5,000 portion of my salary was cut because he paid a dept's visitor M. Asadis health insurance (a visitor to math who was spending his sabbatical in MSU), which is completely false and was debunked by Asadi's own credit card receipts proving that he paid his own health insurance (it is a mystery to me why Chair would attempt to link me with a visitors health insurance?). Chair also claimed that math-900 courses have always been closed when they have less then 5 students (and said that is why he declared my course did not exist), but I provided a MSU's registrars list, showing many 900 level courses ran with less then 5 students before, during, and after that event (in fact almost all), while my class declared nonexistent with 5 registered students (even after dept prevented another 2 students enrolling to my class, as early as 3 months before the semester started). The most disturbing thing was I was never granted any grievance process while these penalties were issued to me, and while the CNS dean refused to talk to me (The university FGO office first told me they will put me in front of my peers for a grievance process, but I need to get a counselor to write a legal recital for that. But after I hired a lawyer to write a recital (which cost me about \$3,000) FGO office called me and told me "We decided not to hold any grievance hearing").

T

I understand some people in Tulane university proposed my name to be a speaker for the lecture series *Clifford Lectures*, and there was some dept discussion ensued about this, ending with Tulane math chair Morris Kalka sending the following message everyone in their dept list, including their grad students (of course this means that this message went to the whole world). So, it is not surprising that this message found its way to my mailbox by the way of some grad student. It goes like this *"You mused in your email yesterday about how members of his department thought of Akbulut. I happen to be very friendly with a few people in the Michigan State Department and asked this very question. This person is also an excellent topologist, so I asked about his scientific stature as well as his personality. I'll leave out the lengthy response about his work, but here is the comment about his personality: "My reaction to his being a Clifford lecturer would be disgust! Aside from his lack of suitable mathematical credentials, he is the most odious person I have ever met. A conference centered around his needy ego would bring no joy to Tulane".* Needless to say I did not get an invitation :)

Selman Akbulut



**Final Investigative Report
Michigan State University
Office of Institutional Equity**

Date: August 14, 2019

Case Number: 02078-2018

RE: Matter of Beth Gagnier, Eylem Yildiz and Selman Akbulut

Investigator: Rachel King, INCompliance Consulting

Background & Issues

On September 18, 2018, the Office of Institutional Equity ("OIE") received a report alleging that Beth Gagnier ("Claimant"), a staff member, was subjected to a violation of the University's Anti-Discrimination Policy ("ADP" or "Policy"). Valerie Osowski, Communication Director for the College of Natural Science reported that on or about September 17, 2018, Eylem Yildiz ("Respondent Yildiz"), a graduate student, made a Twitter post about Claimant. Selman Akbulut ("Respondent Akbulut"), a Professor of Mathematics was later identified as re-tweeting Eylem Yildiz' Twitter post. During the course of the investigation, it was also reported that Respondent Yildiz made comments about Claimant during an MSU Board of Trustees meeting, and that Respondent Akbulut sent a negative email about Claimant.

OIE commenced an investigation into the following alleged violation(s) of the Policy:

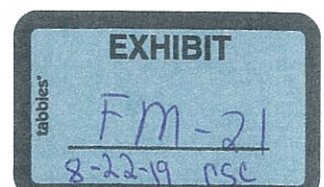
- Whether Respondent Yildiz retaliated against Claimant in violation of the Anti-Discrimination Policy.
- Whether Respondent Selman Akbulut retaliated against Claimant in violation of the Anti-Discrimination Policy.

This matter was assigned to INCompliance Consulting for investigation. Pursuant to the attached memo, dated October 11, 2018, this Final Investigative Report is adopted as the report of Michigan State University.

Summary of Findings

After investigation and review of the available evidence, the investigator has determined that a preponderance of the evidence does not support that Respondents engaged in behavior that violated the Anti-Discrimination Policy. The investigation did not establish that Respondents retaliated against Claimant.

Jurisdiction



The Anti-Discrimination Policy applies to all members of the University community – faculty, staff, students, registered student organizations, student governing bodies, the University’s administrative units, and to the University’s contractors. Unlawful acts of discrimination and harassment are prohibited under this policy.

Jurisdiction exists in this matter because Claimant is a staff member; Respondent Yildiz is a graduate student; Respondent Akbulut is a professor; and Claimant believes Respondents retaliated against her for her participation in another MSU investigation.

Anti-Discrimination Policy

Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972 prohibit discrimination, harassment and retaliation for participation in an investigation. Discrimination is not tolerated at the University. The University prohibits discrimination and retaliation, including retaliatory harassment, against individuals who participate in the University’s investigation of such reports. The ADP states that the Anti-Discrimination Policy User’s Manual, University ordinances, and written policies provide guidance on the conduct prohibited by Article III of the ADP.

While the ADP does not specifically address retaliation, the laws that prohibit discrimination and harassment, and form the basis for the ADP, contain anti-retaliation provisions (see, e.g., Title VII, Title IX and ELCRA). The University will not tolerate retaliation against a community member because they made a good faith claim of discrimination or harassment or because they participated in an investigation of such a claim.

Pursuant to the ADP User’s Manual, a person may show retaliation by establishing that there was an adverse action taken against him or her because of his or her protected activity. See ADP User’s Manual at p. 18. Protected activity includes making a claim or participating in an investigation. For example, if a University community member takes an adverse action against another member because of their claim or participation in an investigation into the claim, that person has engaged in prohibited retaliation. This is true even if the adverse action is in the form of further harassment. See *Burlington Northern & Santa Fe Railway Co v. White*, 548 US 53 (2006).

Investigative Background

Parties and Witnesses

During the course of the investigation, OIE obtained statements from the following individuals:

- Claimant Beth Gagnier;
- Respondent Eylem Yildiz;
- Respondent Selman Akbulut; and
- Steve Plemmons, IT Director, Department of Mathematics

All interviewees were advised of investigator neutrality, the anti-retaliation policy and the role of the investigation process. Investigator advised all participants that information shared with the investigator is not confidential and may be included in the report issued in this investigation.

The investigator provided Claimant and Respondents with a copy of the Anti-Discrimination Policy, ADP User Manual, and an Information Form outlining OIE's role and detailing the investigation process. The investigator advised both parties of the availability of interim measures and/or accommodations, the use of a support person/advisor, and the opportunity to submit questions to the other party through the investigator as part of the hearing process. The investigator verbally reviewed the Information Form with the parties, which was signed and dated. The investigator offered each party the opportunity to ask any questions about the process prior to proceeding with an interview or statement.

Evidence Reviewed

As part of the investigation, additional evidence such as documents, photographs, or other items may be submitted by the parties or collected by the investigator. The following evidence was reviewed and considered by the investigator as part of the investigation:

- Screenshot of a Twitter post made by Respondent Yildiz provided by College of Natural Science. (Copied on p. 4)
- Screenshot of a Twitter post made by Respondent Akbulut provided by the Office of Academic Human Resources. (Copied on p. 5)
- Postings on Respondent Akbulut's webpage, selmanAkbulut.com.
- Audio Recording of the Board of Trustee's Meeting, October 26, 2018. (Unofficial transcription of remarks set forth on pp. 5-6.)
- Email from Respondent Akbulut to College of Natural Sciences administrators, dated November 9, 2018. (Content set forth on p. 6)
- Excerpts from Revised Final Investigative Report (OIE Case No. 01430-2017), dated October 21, 2015. (Tab 2)
- Email from Eylem Yildiz, dated November 14, 2018 (Tab 3)

Evidentiary Standard

The preponderance of the evidence standard is used during the investigation process. A respondent is presumed not to have violated the RVSM Policy unless a preponderance of the evidence establishes a policy violation. A preponderance of the evidence is the amount of evidence that causes one to conclude that an allegation is more likely true than not true. If the evidence on a particular allegation is equally balanced, it has not been proven by a preponderance of the evidence.

Investigation

Reports to OIE and the Investigator

The reports in this matter of potentially retaliatory conduct originated from third parties rather than from Claimant. Each report is described below.

Respondent Yildiz' tweet

On September 17, 2018, Valerie Osowski, Communication Director for the College of Natural Science (CNS) reported that Respondent Yildiz re-tweeted a CNS Twitter post and commented on Claimant's actions in an OIE investigation. Ms. Osowski provided a screenshot of Respondent Yildiz' tweet:



Eylem Zeliha
@EylemZeliha

Follow

Koivisto's accomplishments #MSU :

- 1-Making disgusting comments about a grad student during OIE investigation to protect discriminator in math dept
 - 2-Criticizing my research and relations with faculty to discredit my work
 - 3-Writing slandering letter about Prof Akbulut
- #ReclaimMSU



MSU Natural Science @MSU_NatSci

Six MSU staff employees will receive the 41st annual Jack Breslin Distinguished Staff Award on May 21, and #IHeartNatSci's Beth Koivisto is one of them! Learn about how Beth has made an incredible impact on the Dept. of Mathematics for the past 3...

2:58 PM - 17 Sep 2018

Respondent Akbulut's tweet

On October 8, Kara Yermak of Academic Human Resources reported to the investigator that Respondent Akbulut had re-tweeted Respondent Yildiz' tweet. Ms. Yermak provided a screenshot of that tweet:



Selman Akbulut @Selman_Akbulut · Sep 17

This is the Koivisto's letter, which she sent to provosts office to support my firing selmanakbulut.com/Beth%20Koivist/. I thought staff is here to help us, didn't know slandering faculty is among their job descriptions. I hope she can back up all her allegations #WeClaimMSU!

Eylem Zeliha @EylemZeliha

Koivisto's accomplishments #MSU :

- 1-Making disgusting comments about a grad student during OIE investigation to protect discriminator in math dept
- 2-Criticizing my research and relations with faculty to discredit my work...



Respondent Yildiz' Comments at Board of Trustees Meeting

On October 27, 2018, Ms. Yermak reported to the investigator that Respondent Yildiz made remarks at the October 26, 2018 Board of Trustees meeting related to Claimant and the investigation. An unofficial transcription of a portion of Respondent Yildiz' remarks made by the investigator from the audio recording follows:

Sexual misconduct is not the only problem on campus. Racism is also a big disease here. Racism is acting on your prejudices by using your power. Racism is to exclude people from their work environment by claiming they are disruptive. Racism is blaming people as not being a team member; punishing people for criticizing racism; never giving them public credit while undermining their progress. You can be a racist regardless of your political affiliation.

Here is an example of what prejudice looks like: A senior secretary in the Mathematics Department made comments about a Middle Eastern grad student. She says that the student was homeless; he was not bathing; he wasn't picking up on social cues when the conversation was over. The graduate secretary was uncomfortable being alone with this student.

I also had my share of insults from the same secretary in the Mathematics Department. The same secretary recently wrote a letter about Dr. Akbulut full of demeaning comments to give Provost a reason to fire him. This secretary was given very recently the Jack Breslin Distinguished Staff Award by CNS. MSU continues [inaudible] racism. When I complain about these things on my twitter account, someone from CNS office filed complaint against me to the Office of Institutional Equity. The claim is that I am retaliating at secretary; as a graduate student, I am retaliating at secretary. A secretary making such disgusting comments about a grad student, about a faculty, she's insulting me. Nobody in the University, even CNS,

doesn't care about that. Nobody bothers. It bothers nobody, but when I criticize it, CNS files a case to OIE against me. The secretary is not the person who filed against me, it was CNS.

Remember Dr. Wolfson cited by OIE for violating MSU's anti-discrimination policy in 2015. After that, Math Chair Keith Promislow kept him in the office and has been appointing him to all the important departmental committees continuously, even today he is still in [inaudible]. So, they must be having really fun together. They cause lots of grief on foreign students and faculty. They canceled my research class just because Dr. Wolfson hates Dr. Akbulut. The class was possibly promoting Akbulut's research. That was the whole point of his motivation. And other countless unethical things that we try to bring in front of your attention. So far, unfortunately, all these things have happened under Provost Youatt's watch. And also you. If you have any questions, I am happy to answer.

Respondent Akbulut's Email

On November 12, 2018, Ms. Osowski forwarded to the investigator an email sent by Respondent Akbulut in response to an awards announcement. The email states, "I see that this years [sic] award winners include two Hate-Letter writers." The email includes a link to Respondent Akbulut's webpage where he has posted a letter written by Claimant about Respondent Akbulut.

Claimant

Claimant was interviewed several times in the course of the investigation as additional reports were received. She was interviewed via telephone on October 3, 2018, in person on October 18, 2018, in order to answer questions posed by the Respondents, by telephone on November 2, 2018, to discuss Respondent Yildiz' comments at the October 26, 2018 Board of Trustees meeting, and by telephone on November 12, 2018, to discuss Respondent Akbulut's email.

Respondent Yildiz' Tweet

Claimant stated that she first learned that Respondent Yildiz wrote a Twitter post about her when OIE informed her about the Twitter post on September 20, 2018.

Claimant stated that she was shocked when she saw the post. Claimant said that she "had no idea" that Respondent Yildiz thought negatively of her.

With respect to the substance of the tweet, Claimant stated that she remembers being interviewed in 2015 in a discrimination complaint against Jon Wolfson, who was the Chair of the Mathematics Department at that time.¹ Claimant stated that she could not recall the exact content of the statements she made, but that she believes that she might have explained the Department's policy on assigning teaching assistantships to graduate students. Although she did not recall her exact statements, Claimant expressed that it is her practice to, "stick to the facts" and not offer her opinion. Claimant stated that she is not sure what statements she could have made during the interview that could be characterized as "disgusting comments." Claimant expressed that she

¹ OIE case number, #01430-2017

never makes disgusting comments about anyone. Claimant stated that she does not know how Respondent Yildiz learned that she was interviewed as part of the OIE investigation.

With respect to the second point in the tweet (i.e. criticizing Respondent Yildiz' research and relations with faculty members), Claimant stated that she had never talked about Respondent Yildiz or Respondent Yildiz' relations with faculty members. Claimant stated that she does not even know the topic of Respondent Yildiz' research. Claimant stated that she "runs the support staff" for the Mathematics Department and is not trained as a mathematician.

With respect to the last point in the tweet (i.e. writing a slanderous letter about Respondent Akbulut), Claimant stated that she did write a letter detailing how Respondent Akbulut's behavior affected the staff in the Mathematics Department. Claimant stated that she was asked to do so by Academic Human Resources (AHR) during the course of an AHR investigation focused on Respondent Akbulut's conduct. Claimant stated that she did not know the exact nature of the investigation, although she believes it involved a situation in which Respondent Akbulut refused to teach a class. Claimant stated that she did not believe that there had been an OIE investigation into Dr. Akbulut's conduct, but she also stated that she would not necessarily know if there had been. Claimant stated that she is aware that there is a process through which Respondent Akbulut is being dismissed for cause. Claimant stated that she knows about this process because Respondent Akbulut has told people in the Mathematics Department about it.

Claimant stated that she and Respondent Yildiz have almost no interactions with one another. They say "hello" in the hallway and Claimant reported that they may have exchanged emails about the University's travel policy at some point.

When first interviewed, Claimant stated that she was not aware of any other harassing behavior by Respondent Yildiz.² Claimant stated that no one has made her aware of any other comments about her posted by Respondent Yildiz.

Respondent Akbulut's Re-tweet

Claimant stated that she considers Respondent Akbulut's re-tweet, to be "very personal." She stated that, as with Respondent Yildiz' original tweet, the re-tweet is specific to her. It does not address a broader issue in the department; it specifically names Claimant.

Claimant stated that she is aware of Respondent Akbulut's webpage, but she has never visited it.

Respondent Yildiz' Remarks at the Board of Trustees Meeting

Claimant stated that she was not aware of Respondent Yildiz' comments at the October 26, 2018 meeting prior to the investigator notifying her of these comments. After hearing the remarks, Claimant stated that she thought Respondent Yildiz would not stop making "these types of comments." She stated that she does not believe that Respondent Yildiz understands that she "cannot retaliate against people" or that her behavior is inappropriate. Claimant stated that she

² Subsequently, she learned from the investigator that Respondent Yildiz had made comments about her at the Board of Trustees meeting.

believes Respondent Yildiz' conduct is not going to end and that Respondent Yildiz will continue to make comments about Claimant.

Respondent Akbulut's Email

Claimant stated that she was aware of Respondent Akbulut's November 9, 2018 email because it had been sent to all individuals on the "Natsci.academics" listserv, including Claimant. Claimant estimated that the email reached as many as eight hundred people on the listserv. Claimant stated that she did not see the email as related to the retaliation claim, but rather related to the ongoing AHR process against Respondent Akbulut.

Impact

With respect to the impact of the tweet and retweet, Claimant stated that Respondent Yildiz' Twitter post contained the hashtag "#MSU." She stated that she was told by Steve Plemmons, IT Director in the Mathematics Department, that the Twitter post could be found by searching the hashtag "#MSU" and "Koivisto."

Claimant expressed concern that the Twitter post could affect her ability to move to another University office for a promotion. She explained that she fears that, if she applies for a job in another unit, the tweet will raise a "red flag" and prevent her from being considered.

When interviewed on November 2, 2018, Claimant stated that the content in the Twitter post continues to have an impact on her. She explained that six or seven people who saw the Twitter post have spoken to her about it. She stated that these conversations took up a lot of her time. Claimant stated that the people who have spoken to her about the tweet have all been supportive of her.

Claimant stated that the tweets and Respondent Akbulut's email have "sucked the joy" out of receiving the Jack Breslin Distinguished Staff award. She described Respondents' conduct as "bullying behavior." Claimant stated that receiving the award had been overwhelming and positive but that the experience had been tarnished by the Respondents' actions. She stated that, even though she "understood intellectually" that the criticism is not valid, it is hurtful. Claimant stated that she had not wanted to participate in the investigations in the first place.

Claimant stated that, "to be completely honest," if there are no consequences for Respondent Yildiz' actions, it would make Claimant more reluctant to participate in an OIE investigation in the future.

Respondent Yildiz

Respondent Yildiz was interviewed on October 17, 2018. She was accompanied by her support person, Amy Doukoure. Respondent Yildiz declined to be interviewed regarding her comments at the October 26, 2018 Board of Trustees meeting, but she provided a response via email.

September 17, 2018 Twitter Post

Respondent Yildiz stated that she did not intend to say “anything specific” about Claimant in her Twitter post. She stated that she made the Twitter post because she wanted to highlight a systemic problem at MSU. According to Respondent Yildiz, MSU gives awards to people who maintain a “discriminatory department.”

Respondent Yildiz provided the investigator with pages from an OIE report, dated October 21, 2015,³ in which Claimant described another Middle Eastern graduate student as “homeless” and alleged that he “wasn’t bathing.” Respondent Yildiz stated that she thought both comments were “disgusting.” She also stated that she believes the comments were a form of retaliation for the fact that students had filed an OIE report. Respondent Yildiz stated that the October 21, 2015 OIE investigation had concluded with a finding against the Mathematics Department. Respondent Yildiz stated that she believes that, despite the finding, nothing has changed in the Mathematics Department.

Respondent Yildiz stated that Claimant criticized Respondent’s research and relationship with faculty. Respondent Yildiz stated that Claimant and another department secretary canceled her research assistantship “for no reason.” Respondent Yildiz stated that, when her research assistantship was canceled, she went to talk to Claimant and the department secretary and was told that no faculty member was sponsoring Respondent Yildiz research. Respondent Yildiz stated that she had to ask Respondent Akbulut to re-authorize her research assistantship. Respondent Yildiz stated that Claimant followed her to Respondent Akbulut’s office and said something like, “he’ll take care of you.” Respondent Yildiz stated that she interpreted Claimant’s comment to mean that Claimant knew that the research assistantship was authorized and sponsored, but that Claimant was purposely causing a problem for her. Respondent Yildiz provided a copy of an email she had sent about this incident. Respondent Yildiz stated that she believed Claimant canceled her research assistantship in retaliation for the OIE investigation she was involved in 2015.

With respect to the final comment in the tweet, Respondent Yildiz stated that Claimant wrote a letter about Respondent Akbulut as part of MSU’s “campaign to terminate” Respondent Akbulut’s employment. According to Respondent Yildiz, Dr. Jon G. Wolfson solicited letters as part of this campaign.

Respondent Yildiz stated that she had not written any additional Twitter posts about Claimant, although she re-tweeted her Twitter post when the OIE investigation was initiated.

Respondent Yildiz stated that the Twitter post would only be seen by her Twitter followers. She explained that she had not “tagged” Claimant or MSU in the tweet. Respondent Yildiz stated that the College of Natural Science only knew that Respondent Yildiz had re-tweeted it because an account holder is notified when one of their tweets is retweeted.

Respondent Yildiz stated that her comment on Twitter was her opinion. She expressed that she believes she has a right to speak up and that she would continue to speak up.

³ OIE case number, #01430-2015

Comments at the Board of Trustees Meeting

With respect to the comments that she made at the October 26, 2018 Board of Trustees Meeting, Respondent Yildiz stated in an email:

While my comments address actions taken by the Secretary they are not directed to her, nor are they about her personally. My remarks were directed at the distinction in the math department and the implicit and explicit racial, religious and ethnic discrimination that takes place in the math department. I used the example of the Secretary as my personal experience with that implicit and explicit bigotry that I faced. This example is personal to me in light of the fact that there was a finding of discrimination against myself and other middle eastern [sic] students, but nothing was done to rectify that discrimination.

Respondent Akbulut

Respondent Akbulut was interviewed on October 17, 2018. Respondent Akbulut did not respond to two requests to be interviewed regarding his November 9, 2018 email.

Re-tweet of Respondent Yildiz' tweet

Respondent Akbulut stated that he re-tweeted Respondent Yildiz' Twitter post because he felt that she "made a good point." He explained that, on Twitter, it is customary to re-tweet a person's post when they make a good point. Respondent Akbulut stated that on his Twitter post he used the hashtag "#ReclaimMSU" because this "movement" is a broader effort. He stated that he had not posted any other comments on Twitter about Claimant.

When Respondent Akbulut re-tweeted Respondent Yildiz' Twitter post, he included a link to a letter Claimant wrote that Respondent Akbulut previously posted on his website. Respondent Akbulut stated that he posted the letter on his website because he believes that this information should be public. Respondent Akbulut stated that he believes that Claimant was coached by faculty members to write a letter about him that was filled with "pejoratives." Respondent Akbulut stated that he believes that the letter is filled with stereotypes about people from the Middle East. He stated that Claimant's letter was part of an effort by MSU to terminate his employment for cause.

Respondent Akbulut stated that he did not intend to harm Claimant with his re-tweet, but that his goal was to provide information to the public. Respondent Akbulut stated that it was his belief that when information is public, it prevents abuse in the future. As a result, he said it is his "policy" to post everything he receives on his website. According to Respondent Akbulut, the purpose of his website is to detail his MSU experience. He stated that, on his website, he has not insulted Claimant or others, but has instead addressed their letters and their participation in the proposed termination action against him. Respondent Akbulut stated that he believes MSU's actions against him are unethical and illegal and that he is "going to see them through."

Respondent Akbulut stated that Claimant's letter was not related to an OIE investigation. He stated that he was aware that Claimant had participated in prior OIE investigations, but that he did not re-tweet Respondent Yildiz' Twitter post or post things on his website to deter Claimant or anyone else from participating in an investigation.

Respondent Akbulut stated that his relationship with Claimant was "cordial." He stated that he was surprised that Claimant wrote a letter about him and that she participated in an investigation that led up to his proposed termination.

Questions Submitted

Either party may submit questions in writing to OIE to be asked of the other party as part of the investigation hearing process. Questions may be submitted at any time up to the deadline for the review of the preliminary investigative report.

On October 17, 2018, Respondent Yildiz submitted questions to be asked of Claimant. The questions were reviewed by the investigator for relevancy, and formatted to prevent intimidation or harassment. The questions are as follows:

- Was the relationship cordial between Claimant and Respondent Yildiz?
- Did Claimant know about Respondent Yildiz' Twitter post before OIE contacted her about it?

On October 18, 2018, Claimant responded to Respondent Yildiz' questions in an interview:

- In response to Respondent Yildiz question whether their relationship was cordial, Claimant stated that it had been cordial.
- In response to Respondent Yildiz' question whether she knew about the Twitter post before OIE notified her, Claimant stated that she had not known about the post before OIE made her aware. She expressed that she considers Respondent Yildiz' tweet to be "very personal." She stated that the Twitter post specifically refers to her by name and addresses her, and does not address a broader issue in the Mathematics Department. Claimant stated that Respondent Yildiz' first comment was clearly in response to an OIE investigation that Claimant had previously participated in. She stressed that the information she has given in the investigation was factual and not her personal opinion.

On October 17, 2018, Respondent Akbulut submitted questions to be asked of Claimant. The questions were reviewed by OIE for relevancy, and formatted to prevent intimidation or harassment. The questions are as follows:

- What is the justification for the letter Claimant wrote about Respondent Akbulut?
- Was the relationship between Claimant and Respondent Akbulut cordial?

On October 18, 2018, Claimant responded to Respondent Akbulut's questions. Her answers are as follows:

- In response to Respondent Akbulut's question as to why she wrote her April 18, 2018 letter about his conduct, Claimant stated that she wrote the letter because she felt it was

important. She added that her letter was factual. Claimant also stated that she believed that this question was not relevant to this investigation, because the letter she wrote was not related to an OIE investigation.

- In response to Respondent Akbulut's question whether their relationship had been cordial, Claimant said that their relationship had been cordial.

Witness Steve Plemmons

Steve Plemmons is the Director of IT for the Mathematics Department. He was interviewed by telephone on October 26, 2018.

Mr. Plemmons stated that, contrary to Respondent Yildiz' statements, it is possible to find her tweet by searching Twitter for "#MSU" and "Koivisto." Mr. Plemmons explained that, by using the hashtag, "#MSU," the tweet would be part of all the tweets about MSU and could be seen by people who follow MSU, so long as Respondent Yildiz' Twitter account is public. Because such tweets appear in order, after some time has passed, it would be "very difficult to find" scrolling through all #MSU tweets, but it is easily found if you search "Koivisto" and "#MSU."⁴

Responses to Preliminary Investigative Report

On December 27, 2018, the investigator provided the parties with a copy of the Preliminary Investigative Report. The Preliminary Investigative Report summarizes the information collected by the investigator that will be considered to determine if a violation of the Policy has been established. The parties receive the Preliminary Investigative Report as an opportunity to provide feedback, additional information, or corrections. This process provides the parties with equal and ample opportunity to be heard prior to final analysis of the information by the investigator.

Neither Claimant nor Respondent Akbulut provided a response to the Preliminary Investigative Report. On December 31, 2018, Respondent Yildiz provided a correction to the Preliminary Investigative Report via email. The Preliminary Investigative Report said that Respondent Yildiz had discussed retaliation by Claimant with Elizabeth Abdnour of OIE. In her email, Respondent Yildiz stated that she had spoken to Ms. Abdnour about retaliation, but the discussion was about retaliatory action taken by the Department Chair, not by Claimant. This Final Investigative Report has been edited to reflect that correction.

Analysis and Finding

In analyzing whether Respondent's reported conduct violated the ADP, the following standards apply.

⁴ The investigator conducted this search and was able to find Respondent Yildiz' tweet. The search does not bring up Respondent Akbulut's re-tweet, but that re-tweet may be found by searching "Koivisto" and "Akbulut" or "Koivisto" and "#ReclaimMSU."

Retaliation

In order to find a violation of the ADP and the ADP User's Manual for retaliation, it must be determined (1) whether Claimant engaged in protected activity, such as making a claim or participating in an investigation; (2) whether Respondents took an adverse action against Claimant, including but not limited to, harassing Claimant; and (3) whether the adverse action or harassment was the result of Claimant engaging in protected activity.

1. Whether Claimant engaged in protected activity.

Claimant and Respondent Yildiz agree that, in 2015, Claimant participated as a witness in an OIE investigation into whether the ADP had been violated. Respondent Yildiz was a claimant in that investigation. Claimant's participation as a witness in the prior investigation is a protected activity under the ADP. See ADP User's Manual at p. 18.

Claimant and Respondent Akbulut agree that Claimant submitted a letter regarding his conduct to Academic Human Resources (AHR) at its request, and that the letter is related to a process to terminate Respondent Akbulut's employment. However, because the AHR process was not related to the ADP, Claimant's participation in that investigation cannot be considered protected activity under the ADP. Claimant stated that she was not aware of any OIE investigations involving Respondent Akbulut.⁵ Claimant also stated that she did not believe that Respondent Akbulut's actions against her were related to OIE or to claims of discrimination. As a result, there is insufficient information to demonstrate that Claimant engaged in protected activity related to Respondent Akbulut.

2. Whether Respondents took an adverse action against Claimant, including, but not limited to, harassing Claimant.

The ADP User Manual states that an adverse action may take the form of retaliatory harassment. The ADP User Manual does not define "retaliatory harassment" but the Equal Employment Opportunity Commission (EEOC) provides guidance as to when retaliatory harassment occurs. That guidance states that:⁶

The threshold for establishing retaliatory harassment is different than for discriminatory hostile work environment. Retaliatory harassing conduct can be challenged under the *Burlington Northern* standard even if it is not severe or pervasive enough to alter the terms and conditions of employment. If the conduct would be sufficiently material to deter protected activity in the given context,

⁵ Claimant was interviewed in October 2015 as part of an OIE investigation in which Respondent Akbulut was a claimant. However, she did not claim that Respondent Akbulut's actions were in retaliation for her participation in that investigation.

⁶ *EEOC Enforcement Guidance on Retaliation and Related Issues*, Number 915.004, August 25, 2016. This guidance may be found here: <https://www.eeoc.gov/laws/guidance/retaliation-guidance.cfm>.

even if it were insufficiently severe or pervasive to create a hostile work environment, there would be actionable retaliation.

The EEOC's guidance states that whether an action is retaliatory is judged by whether a "reasonable employee" would be deterred from complaining about discrimination. This analysis depends on the "surrounding facts - although the standard is "objective," it is phrased in "general terms" because the "significance of any given act will often depend on the particular circumstances. Context matters."⁷ The guidance includes examples of materially-adverse actions that could constitute retaliatory harassment, including, among others, "disparaging the subject to others or the media."⁸

It should be noted that, in this matter, the reported retaliation took the form of public statements about Claimant on Twitter, in an email and at a public meeting before the MSU Board of Trustees. Both Respondents asserted that their conduct was intended to provide information to the public and Respondent Yildiz specifically stated that she believes that she has a "right to speak up and that she would continue to speak up."

The ADP User Manual addresses the relationship between speech that is protected by the First Amendment and harassing speech. The manual states that its prohibitions "are not intended to abridge University community members' rights of free expression or other civil rights." It notes that, if conduct does not rise to the level of discrimination or harassment, it may fall within the protections of the First Amendment, but "speech that rises to the level of harassing speech will not be protected." ADP Manual, pages 18-19. Based on this guidance, if it is found that Respondents' conduct rose to the level of harassment, it would not be considered protected speech.

Because the Respondents acted separately against Claimant, the determination of whether their actions meet the definition of retaliation under the ADP will be discussed individually.

Respondent Yildiz

There is no dispute between the parties about Respondent Yildiz' conduct. Respondent Yildiz posted a tweet about Claimant in which she stated that Claimant made "disgusting" comments about a grad student in an OIE investigation in order to protect a "discriminator" in the math department; that Claimant criticized Respondent Yildiz' research and relations with faculty to discredit her work; and that Claimant wrote a "slandorous" letter about Respondent Akbulut. There is no disagreement that Respondent Yildiz also spoke about Claimant at the October 26, 2018 Board of Trustees meeting, stating again that Claimant made disgusting comments about a Middle Eastern graduate student, that she insulted Respondent Yildiz, and that she wrote a letter about Dr. Akbulut that was full of "demeaning comments." While Respondent Yildiz did not mention Claimant by name at the meeting, she did identify Claimant as a secretary in the

⁷ *Id.* (Citations omitted)

⁸ *Id.* (Citations omitted)

Mathematics Department who had won the Jack Breslin Distinguished Staff award. Claimant is the only secretary in the Mathematics Department to win this award.

Based on the standard set forth in the EEOC guidance, it is necessary to determine whether Respondent Yildiz' tweet and comments at the Board of Trustees meeting were "sufficiently materially adverse" to deter a reasonable person from participating in protected activity. The context in which Respondent Yildiz's statements were made is important in making this determination.

The EEOC guidance cites two cases to illustrate the type of disparaging comments that could rise to the level of retaliatory harassment – both of these cases focus on the factual context in which the statement were made. In *Szeinbach v. Ohio State Univ.*, 493 F. App'x 690 (6th Cir. 2012), the subject of the alleged retaliation, Sheryl Szeinbach, was a professor who had supported a co-worker's claim of discrimination. One of Szeinbach's fellow professors wrote to the editor of an academic journal that had published her work to make a specific allegation of research misconduct, and then forwarded that email to Szeinbach's department chair, dean, colleagues and to a group of professors in her field at other universities. At the time he sent these emails, there had been no finding of research misconduct against Szeinbach and Szeinbach claimed that employment discussions with another university ended after that university received the email. In evaluating Szeinbach's retaliation claim, the court found that her fellow professor's actions could constitute an adverse employment action against Szeinbach.

In another case cited by the EEOC, *Dixon v. Int'l Bhd. of Police Officers*, 504 F.3d 73 (1st Cir. 2007), the subject of the alleged retaliation, Vanessa Dixon, was a police officer who had filed a harassment complaint. The national president of her union disparaged Dixon over the course of the year on a local television show that he hosted and which was sponsored by the union, becoming "increasingly vicious" over time. The union president described Dixon as unfit for her job, saying that she "admits, mind you, to the old four letter word ... And she is working in a school with children. God forbid." He also stated that she made "fabrications" and, as a result, was "in trouble." The court found that these comments were "threats and intimidation that objectively could deter someone in Dixon's position from pressing her claims."⁹

Comparing Respondent Yildiz' conduct to the conduct described in the cases cited by the EEOC, Respondent Yildiz' conduct has not risen to the level of a materially-adverse action. Respondent Yildiz' comments were offensive – she accused Claimant of prejudice and of slander. However, these comments were not as "vicious" as the union president's comment in *Dixon*, and they were not broadcast as widely. They do bear some similarity to the attacks in the *Szeinbach* case, but the context is very different. Respondent Yildiz is a graduate student and, as a result, her comments carry less weight than those of a professor criticizing another professor's research. In addition, the comments in *Szeinbach* were specific and targeted to Professor Szeinbach's colleagues. In this matter, Respondent Yildiz' Twitter comments were vague and sent to her

⁹ *Dixon v. Int'l Bhd. of Police Officers*, 504 F.3d 73 (1st Cir. 2007) at 84.

Twitter followers, who do not necessarily have any connection to Claimant or her work. While the remarks can be found through a Twitter search, it is unlikely that someone would conduct that search, especially under the circumstance that Claimant currently uses a different last name than she did at the time the tweet was posted.¹⁰ Claimant stated that she was unaware of Respondent Yildiz' tweet before being told about it by OIE. The fact that the comments had not even reached Claimant suggests that they did not have a significant impact on her. Claimant did not report any adverse professional impact as a result of the tweet. This is in contrast to the professor in *Szeinbach* who claimed that she had lost employment opportunities as a result of the comments circulated about her.

Similarly, the context of Respondent Yildiz' remarks at the Board of Trustees meeting was a graduate student speaking during the public comment period. Respondent Yildiz spoke about Claimant as part of a larger statement about alleged racism in the Math Department and she only identified Claimant as "the secretary" who had won the Jack Breslin Distinguished Staff Award. This context reduces the impact of the comments. In order for the attendees at the meeting to identify Claimant, they would have to be aware that she had won the Jack Breslin Distinguished Staff award. Notably, the minutes of the Board of Trustees meeting do not include any information about the substance of Respondent Yildiz' remarks,¹¹ further diminishing the power of the remarks to threaten or intimidate Claimant. Claimant stated that she was unaware that Respondent Yildiz had made comments about her at the Board meeting until she was informed of them by the investigator, again suggesting that they did not have a material impact on her.

Claimant stated that Respondent Yildiz' actions were painful for her and that they would make her more reluctant to participate in an OIE investigation in the future. However, as noted in the EEOC guidance, whether conduct is retaliatory is judged by the objective standard of a "reasonable employee." In this matter, Claimant did not offer any evidence that Respondent Yildiz' comments impacted her professionally. The tweet and the remarks at the Board of Trustees meeting are already difficult to find and Claimant was unaware of them before the investigation was initiated. Under these circumstances, taken in context, Respondent Yildiz' comments about Claimant were not "sufficiently materially adverse" to deter a reasonable person from participating in protected activity.

Respondent Akbulut

The investigator determined that Respondent Akbulut's conduct toward Claimant was not related to Claimant's participation in an OIE investigation and, therefore, was not protected activity under the ADP. However, if it were found to be, Respondent Akbulut's actions would rise to the level of materially-adverse action under the standard articulated in the EEOC guidance.

¹⁰ At the time of the tweet, Claimant used the last name Koivisto, which is the name used in the tweet. Claimant uses the name Gagnier at this time.

¹¹ The minutes of the October 26, 2018 Board of Trustees meeting may be found here: <https://trustees.msu.edu/meetings/pdfs/bot-minutes-2018-10-26.pdf>.

Respondent Akbulut re-tweeted Respondent Yildiz' comments about Claimant with a link to Claimant's letter posted on his website and the statement that he "didn't know slandering faculty is among [staff] job descriptions." Subsequently, in response to an announcement of the award ceremony at which Claimant would receive her award, Respondent Akbulut sent an email that said, "I see that this years [sic] award winners include two Hate-Letter writers..." and the same link.

Respondent Akbulut's email went to every person on the "natsci.academics" listserv, which included Claimant and virtually all of her colleagues and superiors. Claimant estimated that 800 people may have seen the email. While a recipient may not be able to identify Claimant from the email itself, if they clicked on the link they would understand that a tenured faculty member was accusing a staff person of writing a "hate-letter." This is a serious disparaging comment made by a person in a position of power relative to Claimant. While the email does not include the specificity of the accusations in *Szeinbach* or the "viciousness" of the remarks in *Dixon*, a reasonable person in Claimant's position as a staff person might well be deterred from participating in an investigation by remarks of this type.

Although there is no evidence in the record that Respondent Akbulut's remarks, while hurtful, have impacted Claimant professionally at this time, they have already reached Claimant's colleagues, supervisors and potential employers. [A reasonable person may well be deterred from engaging in protected activity if he or she knew that doing so would result in being described as hateful to his or her professional network by someone with considerable standing in that network.] As a result, it is more likely than not that Respondent Akbulut's actions rise to the level of materially adverse action.¹²

Respondent Akbulut is engaged in a process to terminate his employment and he has a right to defend himself in that process. However, as noted in *Dixon*, there is an "important difference between defending oneself, on the one hand, and threatening, intimidating or otherwise interfering with someone's right to pursue a discrimination claim on the other."¹³ [It is difficult to see Respondent Akbulut's email, sent to many people who have nothing to do with the termination process in a context wholly unrelated to that process, as an attempt to defend himself rather than an attempt to intimidate Claimant.¹⁴]

3. Whether the adverse action or harassment was the result of Claimant engaging in protected activity.

¹² It should be noted that this conclusion is based on the specific standard for retaliation under the ADP and anti-discrimination laws. The investigator draws no conclusions as to whether Respondent Akbulut's conduct would meet the standard for retaliatory harassment outside of this context.

¹³ *Dixon* at 84.

¹⁴ Respondent Akbulut did not respond to requests to discuss why he sent the email.

In order for conduct to be considered retaliatory harassment, there must be a causal connection between the adverse action and the protected activity, described in the EEOC guidance as the “but-for” causation standard. According to that guidance, this requires a determination that “but for” Claimant’s participation in protected activity, the adverse action would not have occurred. There may be more than one “but-for” cause for a given adverse action, but it cannot be true that the action would have happened anyway.¹⁵

Respondent Yildiz

The investigator determined that Respondent Yildiz’ actions were not materially-adverse actions against Claimant. However, if they had been, the causal connection between Claimant’s protected activity and Respondent Yildiz’ actions would have been made.

Respondent Yildiz stated that her comments were not “directed” toward Claimant or about Claimant personally; they were made to highlight the issue of discrimination at MSU. However, it is evident that Respondent Yildiz would not have made these comments but for Claimant’s participation in an OIE investigation. Both Respondent Yildiz’ tweet and her comments at the Board of Trustees directly addressed Claimant’s participation in an OIE investigation. While Respondent Yildiz is also concerned with the process to terminate Respondent Akbulut’s employment, she does not appear to have made similar comments about other individuals who submitted letters as part of that process. As a result, it is more likely than not that “but for” Claimant’s participation in an OIE investigation, Respondent Yildiz would not have made her comments about Claimant.

Respondent Akbulut

The investigator determined that Respondent Akbulut’s conduct toward Claimant was not related to protected activity under the ADP. If Claimant’s participation in Respondent Akbulut’s termination process was protected activity, there would be a clear “but-for” causal connection between Respondent Akbulut’s actions against Claimant and the protected activity. The disparaging comments made by Respondent Akbulut in his re-tweet and email were both about Claimant’s participation in the termination process. Respondent Akbulut gave no reason for his re-tweet other than this participation and he described it as part his response to the termination process. As a result, it is more likely than not that, but for Claimant’s participation in that process, Respondent Akbulut would not have taken action against Claimant.

Conclusion

Based on the foregoing, a preponderance of the evidence does not support that Respondents violated the University’s Anti-Discrimination Policy by retaliating against Claimant. However,

¹⁵ *EEOC Enforcement Guidance*, supra.

this report will be shared with the University to determine if other policies have been violated and for consideration for any further action.

NatSci Tenure-System Faculty Annual Evaluation Form*

Name	Department(s)	Review Year
Selman Akbulut	MTH	2018
Workload Expectations:	Research <u>40%</u> Teaching <u>40%</u> Service <u>20%</u>	

Note: Text boxes in the form are limited in space. Add additional pages as needed.

Research

☐ Below Expectations Insignificant scholarly or creative activity, or activity of a quantity or quality below expectations given rank, position, and workload expectations.	☐ Needs Improvement Minimal amount of peer-reviewed scholarship and grant funding, or research productivity of low quality relative to rank, position, and workload expectations.	☐ Good Good scholarly productivity relative to rank, position, and workload expectations; peer-reviewed publication in good journals; future plans with high likelihood of successful completion. Appropriate research funding.	☒ Excellent Excellent scholarly achievement relative to rank, position, and workload expectations; publication in high-impact journals; completion of important research projects in accordance with long-term plans. Evidence of disciplinary leadership.	☐ Outstanding Extremely significant and rigorous scholarship with demonstrable disciplinary impact, published in prestigious venues. Major scholarly achievements relative to rank, position, and workload expectations.
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Research: Strengths/Weaknesses of Activities/Achievements, and Recommendations

- 5 published or accepted papers, plus 1 more submitted in last 3 years. A book on 4-manifolds (Oxford Grad. Texts) published in 2016.
- Strong record of outside talks. Mentored one post-doc.
- Excellent record of grants: PI on two research grants within the 3-year time period, although no current research grant.

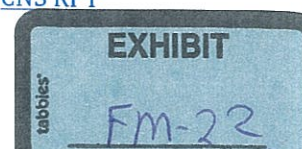
Teaching/Student Engagement

☐ Below Expectations Problematic classroom or other teaching performance; unreliable advising or mentoring, and frequent unavailability; indifference toward or unreasonable resistance to meeting teaching standards	☐ Needs Improvement Fulfills all teaching responsibilities and meets minimal qualitative expectations in the classroom. One or more problematic elements in the area of teaching, and minimal efforts at improvement. Or some unreliable availability or mistakes in assigned advising or mentoring, or little or no curricular development.	☐ Good Fulfills all teaching responsibilities. Evidence of solid work in the classroom; some successful effort to improve; good reliable student mentoring and academic advising.	☒ Excellent Fulfills all teaching responsibilities well. Evidence of overall excellence in teaching, advising, student mentoring; curriculum or program development.	☐ Outstanding Fulfills all teaching responsibilities very well. Demonstrable overall excellence in teaching, advising, and mentoring; leadership in course or curricular improvement, sharing of expertise.
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Teaching: Strengths/Weaknesses of Activities/Achievements, and Recommendations

- Excellent SIRS reports for graduate courses and freshman calculus Math 132; weaker scores for Abstract Algebra Math 411.
- Two Ph.D. students who graduated in the last 3 years.
- Developed and taught a capstone course with good results (23 students, SIRS "overall" score of 1.7).

* Adapted from measuredreasons.com, MSU ADVANCE grant [faculty performance review toolkit](#), [CNS RPT guidelines](#), [MSU RPT recommendation guidelines](#), and [LBC faculty annual evaluation materials](#).
 Revised 12/13/2010-format revised 4/2016.



Engagement in Leadership/Service/Outreach

☒ Below Expectations Little or no meaningful or useful activity in serving department, College, or University in important ways. Or, behavior of a professionally unacceptable kind or harmful effect.	☐ Needs Improvement A minimal level of useful activity, relative to rank, seniority, and workload expectations, in serving the program, department, College, University or profession.	☐ Good Consistently effective service at multiple organizational and professional levels appropriate to rank and seniority; shows initiative; responsive to needs of students, colleagues, and department.	☐ Excellent Excellent initiative and effort with consistently beneficial results on important projects, appropriate to rank and position at multiple organizational and professional levels.	☐ Outstanding Uniformly excellent effort and results in important projects; generosity of spirit in volunteering; effective leadership appropriate to rank and position
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Engagement: Strengths/Weaknesses of Activities/Achievements, and Recommendations

- Leading organizer of a FRG (Focused Research Group). Organizer of the annual Gokava Geometry-Topology conferences. Chief Editor, Gokava Geometry-Topology Journal; editor of the Turkish Journal of Mathematics
- Organizer of Monday Topology Seminars.
- Serious Disciplinary actions have lead to a dismissal for cause hearing.

Allocation of MSU space and resources: (attach description if modification is necessary)

- ☐ Space or resources should be reallocated.
 ☒ Space or resources appropriate.
 ☐ More space or resources required.

Summary¹ and Outlook: Progress, Plans, and Future Promotions

Professor Akbulut, since your abrogation of duty penalty in January 2015 and the appeals that culminated in an administrative review in May 2016, you have engaged in a campaign targeting those faculty members who participated in the administrative review process. You escalated this behavior in fall 2017, receiving warnings from me on Oct 7, 2017, Nov 14, 2017, and Jan 11, 2018. A formal letter of discipline was issued on Jan 22, 2018. On Jan 30, 2018 you received a letter of intent to impose further discipline with a warning that your actions were leading to serious discipline. None of these notifications dissuaded you from your targeting actions, instead you intensified them. On April 9, 2018 you received a letter of intent to impose serious discipline with a warning that further infractions may lead to initiation of dismissal for cause proceedings. As the process for serious discipline allows, you requested a meeting with University Committee on Faculty Affairs (UCFA) disciplinary panel, this occurred on April 27, 2018. On May 3, 2018 the UCFA panel found in support of serious discipline. You continued your targeting infractions, including emails impugning the motives of the UCFA panel. On June 15, 2018 the Dean of CNS petitioned the Provost to initiate dismissal for cause proceedings, which the Provost and the President approved. The Dismissal for Cause panel will convene on August 16, 2019.

You will receive a zero annual raise on 10/1/2019.

Faculty Member Signature	Date
Please refer any unresolved questions or concerns about this annual review to natscidean@msu.edu.	
☐ I have a written response, and the response is attached. ☐ I have a written response and have sent it directly to natsci.dean@msu.edu . ☐ I do not have a written response to this review.	
Department Chair(s)/Administrator(s) Signature	Date

¹For a faculty member on sabbatical leave during the review year, comment here on sabbatical accomplishments.

NatSci Outside Work for Pay Disclosure Form*

All faculty members (tenure system and fixed term) at the rank of instructor through professor who hold appointments of at least 50% time are required to obtain approval of all outside work** for pay with the following exceptions (these activities are not regulated by the outside work for pay policy):

- presentations at professional meetings and other similar gatherings
- peer review of articles and grant proposals
- leadership positions in professional societies
- preparation of scholarly publications
- editorial services for educational or professional organizations
- service on advisory committees or evaluation panels for government funding agencies, nonprofit foundations, or educational organizations
- Musical and other creative performances and exhibitions, if there is an expectation in the faculty member's discipline that he/she will engage in such performances or exhibitions.

Pay includes:

Anything of value received in consideration for work (except reimbursement of expenses, indemnification, or insurance coverage for claims arising out of or occurring in connection with the work). Examples of pay include, but are not limited to, any salary, fee, honorarium, stock, stock option, monetary gift or contribution beyond actual expense, or the promise of any of these in the future. Work for any business or other for-profit enterprise owned or operated by a faculty member or by his/her relative(s), shall be considered "pay" (whether or not the faculty member receives anything of value in consideration for the work)

☐ I do not anticipate having any outside work for pay from July 1- June 30, 20____, but will request and obtain written approval from my unit administrator and dean or director before engaging in outside work for pay during this period.

☐ I anticipate receiving pay for outside work and have attached the [MSU Outside Work for Pay/Overload Pay](#) form.

Signature/Date

Name

* Based on the [MSU Policy on Outside Work for Pay](#).

** N.B. MSU policy also requires disclosure of outside work for pay during the summer.