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VIA ELECTRONIC MAIL

Michigan State University
Samuel L. Stanley, J.R. MD
President
presmail@msu.edu

**RE: WRITTEN COMMENTS OF PROFESSOR SELMAN AKBULUT TO PRESIDENT
STANLEY'S PRELIMINARY RESPONSE TO DECISION REPORT OF THE
HEARING COMMITTEE**

Dr. Stanley,

After reviewing your Preliminary Response to the Decision Report of the Hearing Committee, my client and I thought we would be remiss to not comment on several factors that were presented during the proceedings in front of the Hearing Committee that were either wholly disregarded or not given proper weight.

While the Hearing Committee attempts to diminish the issues involved by claiming to be shocked that this whole situation arose over a dispute of around \$600.00, this issue is much deeper than that, and truly arose because of the dishonesty, nepotism, and discrimination that has historically taken place in the Math Department at MSU for the past several years.

Indeed, the Hearing Committee attempts to gloss over the blatant dishonesty, and outright lies told by Professor Keith Promislow during the entirety of the initial disciplinary matter that led to Professor Akbulut's conduct as well as his complete lack of forthrightness and candor to the tribunal that was hearing the dismissal for cause proceedings against Professor Akbulut. However, by doing so, the Hearing Committee failed to give proper weight of the evidence, or truly evaluate the circumstances that have led us here today.

Professor Promislow lied on several occasions, about the very issues that were being presented and that were utilized to create the initial penalty against Professor Akbulut. Promislow's lies included lying on several occasions about how money from the MSU Math Department budget was spent. In fact, Promislow told the original lie at a staff meeting in front of the entire Math Department where Professor Akbulut was attempting to appeal his matter before his colleagues. The lie that was told was directly related to the grant issue that led to the original discipline at issue in this case.

Indeed, Professor Promislow failed to retract his lies, and furthered his own lie when he told it during an official investigation against him for discrimination with the OIE at MSU. It appears that when Professor Promislow is attempting to substantiate his conduct, or the discipline against Professor Akbulut, he is willing to lie, even in very formal settings. His lies are possible because he has faced no repercussions for his insidious conduct.

Additionally, Professor Promislow continued to keep in power grad chairs who had been found to have discriminated against Muslims, Middle Eastern and Turkish Students, despite the fact that Professor Promislow was also a respondent to that OIE investigation. It was at the same time that he was undergoing investigation for discrimination against students similarly situated to Professor Akbulut that Promislow fabricated information about Professor Akbulut's grants. Clear and unambiguous evidence shows that in fact Professor Akbulut spent more than the small amount of money that was necessary for a student to enroll, that the student in question failed to be granted an override by the math administrators, and that indeed Professor Akbulut had already pledged that money to the student in question.

All of the issues that have led to Professor Akbulut's conduct are directly related and caused by the fact that Professor Promislow has failed to conduct himself in an honest and honorable way, up to the point of misleading and outright lying to members of the Math Faculty, and other MSU Administrative bodies and committees in order to ensure that Professor Akbulut's punishment would stand.

A review of all of the information provided at the proceedings before the Hearing Committee shows that all of Professor Akbulut's frustration arose from Promislow's lies and deceitful conduct, which despite Professor Akbulut's repeated outcries for independent investigation went unchecked and uninvestigated and therefore Promislow continued to lie his way through all of the committees, hearings, and investigations against him. This led Professor Akbulut to attempt to redress his issues of Promislow's corrupt acts that led to a smear on his academic record in a more public forum.

What is notable is that the majority of the witnesses who testified during the proceedings in front of the Hearing Committee testified that Professor Akbulut was a valuable member of the math department faculty and that they thought that Professor Akbulut should not be terminated if he conformed his emailing behavior. Indeed, Professor Akbulut had not engaged in conduct offensive to colleagues prior to this issue, nor after it, and had limited his conduct to emailing, and maintaining a website where he put up unedited documents.

Ironically, the Hearing Committee found that Professor Akbulut's conduct violated the tenants of free speech to government employees, however, an OIE investigation found that Professor's public conduct on his website and social media had not violated law or policy of MSU.

What is further true, is that the great weight of the testimony shows that the individuals who testified on behalf of Professor Promislow regarding the emails that the content of each and every email submitted as evidence were (1) addressed to individuals that were the appropriate persons or bodies to address the concerns or (2) were individuals that would otherwise be interested in the content of the emails. It is clear that the hearing committee completely disregarded the actual

weight of the testimony and content of the emails presented by the Charging Party during the hearing.

Furthermore, since the process for the Hearing Committee has started, Professor Akbulut has not sent a single objectionable email. This means he has tailored his conduct to conform to what has been stated as the expectation.

Additionally, there is a significant error in the manner in which the dismissal for cause proceedings are conducting which results in an irreversible deprivation of due process to the faculty member, in this case Professor Akbulut. The initial problem is that the hearing binders for the charging party and the faculty member are required to be submitted at the same time.

This results in the Faculty Member having to make a determination as to what documents and evidence he will need to defend himself prior to having the information and evidence against him. That would be akin to the defendant in a criminal proceeding have to supply his defense before having discovery regarding the charges against him. It is an absurd notion that a defendant (or responding faculty member) must answer to charges and evidence that they haven't seen. It amounts to litigation by surprise.

A second issue arises with the preparation of the hearing binders because they are submitted significantly early on in the process and then given to the hearing panel. In this instant case, the binders were submitted over eight (8) months in advance of the hearing and then given to the hearing panel, well before the beginning of the hearing. In fact, the hearing panel had full control of the binders at all times after submission and during the hearing, taking them home with them for the night.

In fact, all of the hearing panel members admitted to reviewing documents inside of the binder prior to the hearing, and before a single document was entered into evidence. In this matter, that is problematic because the Charging Party failed to enter into evidence less than 1/3 of the documents they provided in the binder. Unfortunately, it appears from the manner in which the committee conducted itself and produced findings, they had in fact reviewed and considered documents which were not authenticated, given context, or otherwise should not have had any consideration as evidence at all as they have no evidentiary value.

The allowance of the hearing committee to review documents as outlined above creates unfair prejudice and is so far outside the bounds of due process, that entire hearing and its findings are fatally flawed. Thus, your office cannot, in the interest of due process and justice stand behind the decision of this hearing committee.

Additionally, the hearing committee engaged in conduct that was wholly prejudicial to Professor Akbulut during the proceedings including (1) allow witnesses for the Charging Party to refuse to respond to validly addressed and appropriate questions; (2) allow witnesses for the Charging Party to act belligerently and hostile and demand that they be given a rationale prior to answering questions and when they didn't receive a rationale that was sufficient to the witness, they refused to answer without direction to do so; (3) the Hearing Committee allowed a court reporter to demand Professor Akbulut repeat his testimony as he was given it, resulting in the court reporter

questioning Professor Akbulut, until counsel for Professor Akbulut had to intervene multiple times.

It is a fundamental violation of due process for Professor Akbulut to not be able to question his accusers. This due process violation cannot be cured after the fact and was an issue that was raised during the proceedings.

While this written statement does not attempt to re-litigate all of the issues involved in the proceedings before the hearing committee, it does provide an explanation of the flaws in the testimony, evidence, and procedure which deprived Professor Akbulut of a proper hearing, due process, and the opportunity to have his concerns addressed, not only in the dismissal for cause proceedings, but also since the time his class was originally cancelled.

We look forward to your consideration and response.

Best Regards,

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