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'Truth irrelevant to professor's defense'

by LOU MARANO

A law firm retained by a Pennsylvania college has told the school's Faculty Executive Committee that the truth is irrelevant in the administration's attempt to fire a gadfly professor.

In January the president of Albright College and five other individuals submitted an 11-page, 67-point complaint against the tenured professor, stating that he "should be subject to discipline up to and/or including dismissal" on the grounds of professional unfitness and moral turpitude.

The conflict began early in 1999, when Achal Mehra, an associate professor of communications, vehemently objected to the hiring of retired Army Col. Henry Zimon as president of the liberal arts Methodist college in Reading, Pa. Mehra contended that Zimon's rsum contained false and misleading claims about the colonel's academic and publishing credentials.

Since then, the professor has been relentless in his criticism of Zimon. His Web site, zimonisafraud.com, contains voluminous data -- some obtained through Freedom of Information Act requests -- supporting his claims.

One posted document is a statement of concern by the Albright College faculty dated Dec. 14, 1999. It said that although Zimon's rsum had contained "incomplete statements" with respect to his academic background, publications and teaching record, "Neither the search committee nor the Trustee leadership, or in fact Dr. Zimon have been able to offer satisfactory explanations or to admit that there was any incompleteness in the rsum.

"Instead," the statement continued, "various faculty members were criticized for raising questions publicly and were accused of being disloyal to the college."

Also posted was a letter of resignation, dated March 1, 2000, from J. Matthew Simon of Pittsburgh to John F. Horrigan Jr., then chairman of Albright's Board of Trustees. "Over a year ago," Simon wrote, "I expressed concern ... about aspects of the presidential search that I thought could compromise the process.

"Not only do I feel that responsible advice was ignored, but my impression is that subsequent efforts to avoid answering specifically stated questions from the faculty and others has served only to erode credibility."

Simon concluded his letter by writing: "It appears that present 'spin control' is precluding my efforts at obtaining the information and verification I need to function responsibly and effectively as a member of the Board of Trustees."

In its investigative stories, the Chronicle of Higher Education has reported that Zimon had included on his rsum "what appear to be misleading statements about his academic and publishing credentials."

United Press International obtained a copy of the complaint against Mehra. In essence, it holds that the professor's lack of collegiality rises to the level of "moral turpitude" as defined in the college's Faculty Handbook. The handbook, according to the complaint, says academic freedom includes the obligation to "show respect for the opinions of others."

Appendix B of the handbook "addresses Harassment and Abuse." Reprising campus speech codes, the complaint says harassment and abuse can be defined as "creating an intimidating hostile or offensive educational and work environment on or off campus. ... Specific examples of prohibited harassment include any insulting or humiliating remarks or gestures."

Ipsa facto, Mehra's polemics against Zimon "would fall into the general category of moral turpitude."

On the basis of Mehra's quoted e-mails, a review of the 67-point complaint shows the professor to be impolitic and sometimes rude. Among the charges was that in March 2000, he had contacted poet Maya Angelou's office "attempting to dissuade her from speaking at an inaugural lecture." But, to the outside observer, the complaint attributes no obvious inaccuracies to him.

On May 17, the Chronicle of Higher Education published a story titled "Scrutiny Falls on Albright College as it Moves to Fire Outspoken Professor." On May 18, Ann Myers, who chairs the Faculty Executive Committee, wrote a letter requesting clarification on five points. She addressed it to Mehra, Zimon, and nine others.

Among the nine was Alfred J. D'Angelo Jr. of the Philadelphia law firm Klett Rooney Lieber & Schorling. UPI obtained copies of both documents.

Myers wrote: "The major issues over the discovery materials relates to whether the truth or falsity of Professor Mehra's statements are central to the complaint and to the statement of charges. To rule on this we must have greater clarity: Are the complainants charging that Dr. Mehra has made false statements in the various cited e-mail messages?"

"It is possible to read the charges as based upon a claim that his statements were false. It is also possible to read the charges as based upon a claim that his statements were harassing, separate and

apart from the truth of the underlying statements."

D'Angelo's May 31 response, on the law firm's letterhead, was cosigned by Jessamyne M. Simon. The subject listing was "Achal Mehra Termination Proceedings."

The attorney told Myers unequivocally that the truth or falsity of Mehra's statements "is not central to the complaint and the statement of charges. ... It is the abusive and harassing method of airing what he purports to be the 'truth' that provides the basis for the complaints and the statement of charges against him."

UPI reached both Myers and college spokeswoman Barbara Marshall by phone on Friday. Both declined to comment on the broader issues, citing a policy of privacy on personnel matters.

In a May 17 letter obtained by UPI, Virginia B. Rinkus, the college's director of human resources, warned Mehra that his recent e-mail "Chronicle on Sham Proceeding" violated Albright's policy that personnel matters should remain confidential. "This confidentiality policy is intended to protect all who are involved in personnel matters, not just the object of the personnel action," Rinkus wrote.

Rinkus is one of the six complainants. Point 50 of the complaint alleges that Mehra told Rinkus in an e-mail dated Nov. 16, 2000, "I am not your coolie." Point 55 alleges that he said in a Nov. 28, 2000 e-mail that he was "cracking up" laughing at her and asked for a clarification for the letters SPHR (presumably, senior professional in human resources) she appends to her name.

Point 57 alleges that, in another e-mail of the same date, Mehra termed Rinkus' request that he refer to Zimon as President Zimon or Dr. Zimon rather than "the Colonel" as "moronic" and being of "an embarrassing and idiotic character."

On July 6, a college official informed Mehra that he no longer was allowed to communicate with the Board of Trustees, the final arbiter of his case.

Asked if the school's attempt to impose silence on Mehra could fairly be represented as a gag order, spokeswoman Marshall replied, "Those are not the words that I would use."

Asked if she would dispute their accuracy, she referred the reporter to Myers. "There are issues about how people behave in addition to what people say," Marshall told UPI.

The complaint charges Mehra with "interfering with fundraising efforts." In its June 1 story, the Chronicle of Higher Education reported that at least one of the six foundations to which Mehra had written last fall, the DeMund Foundation, demanded that the college account for the situation. "Albright has been facing financial difficulties," the Chronicle wrote.

The controversy has drawn the attention of FIRE, the Foundation for Individual Rights in Education. The Philadelphia-based organization was founded by University of Pennsylvania historian Alan Charles Kors and Harvey Silverglate, a Boston civil rights attorney.

Executive Director Thor Halvorssen told UPI, "The school is dogged in pursuit of this whistleblower." He said FIRE was in the process of assembling a legal team for Mehra.

"This is either going to end up with the administration saying that Achal Mehra is there to stay, criticizing Col. Zimon or not, or there will be a lawsuit aimed at the school's endowment," Halvorssen said.