

June 30, 2021

Saul Myers

via email: [REDACTED]

Dear Saul,

As you know, on April 2, 2021, Mina Cheon, Professor in First Year Experience, filed a complaint alleging that you harassed her via emails on March 31 and April 1, 2021, following a Humanistic Studies (HMST) faculty meeting that took place on March 31. In her complaint, Mina alleges that during the HMST meeting you attempted to engage her in what you called a debate about academic freedom, freedom of speech, and "safety-ism." She called it a "public attack." Mina claimed that this was the second such "attack" she experienced from you. The first occasion she cited was a Faculty Assembly meeting on October 14, 2020.

Human Resources investigated the complaint to determine if your conduct violated the College's anti-harassment policy. The anti-harassment policy makes it clear that "MICA is firmly committed to creating and maintaining a workplace where everyone...is treated with dignity, fairness and respect." It also states that "[e]very employee has the right to work in an environment totally free of harassment."

The College takes these matters seriously and conducted an investigation, using a preponderance of the evidence standard of review. The investigator met with you and other witnesses and reviewed relevant documentation to determine if the allegations were true. Based on your account of events and the complainant's account, the investigator determined that the facts in this case are not in dispute. You and the complainant instead have different interpretations of the same events.

In summary, the investigator found that in the March 31 HMST faculty meeting, Mina made comments supporting the chair of the department, who had announced that they would be stepping down as chair. She also made comments supporting other colleagues who have expressed concerns about the environment in the HMST department, and discussed her own experiences as an Asian woman at MICA.

The investigator determined that your response was passionately directed at Mina. You made your points about academic freedom and freedom of speech persistently, and you followed your comments

in that meeting with two separate emails on two consecutive days, as you argued your right to “debate” the issue with Mina.

The investigator concluded that your assertion that you did no “physical harm” to Mina belittled Mina’s expression of a legitimate emotion when she publicly exclaimed that she felt unsafe. You talked past her, ignoring her physical and verbal expressions of emotional distress. The situation was exacerbated by the fact that there had been an earlier incident in a Faculty Assembly meeting in which you reacted similarly to comments Mina made.

As offensive as your behavior was to Mina, the investigator also concluded that it did not rise to the level of harassing conduct that was pervasive. Consequently, Mina’s allegation that you harassed her in violation of College policy was not substantiated.

Saul, freedom of speech is not an absolute right without restrictions. MICA has the right to require respectful interactions among members of its community. You insisted on continuing the debate after Mina communicated her unwillingness to engage with you. Individuals have the right to choose whether they engage or not in these discussions and debates, and at some point persistent behaviors that contradict an individual’s choice to not engage become harassment. That is unacceptable behavior at MICA.

This investigation is now closed, but additional incidents showing such disrespect for legitimate boundaries of engagement set by Mina or any other community member may result in discipline or corrective action. MICA takes its anti-harassment policy seriously and must protect the rights of all employees to enjoy a community in which they are treated with “dignity, fairness and respect” and an environment in which they can work and learn free of harassment.

This letter will be submitted to your faculty file in Academic Affairs as a record of this incident and of the warning contained herein.



David Bogen, Ph.D.
Vice President for Academic Affairs and Provost



Cc: Tiffany Holmes, Vice Provost for Undergraduate Studies
Charlene Hayes, Human Resource Transition Leader, Human Resources
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