



Global Diversity & Inclusion
Office of Equity & Compliance

FINAL REPORT
CASE# 2017-00081

COMPLAINANT(S): [REDACTED], Alumni, Master of Public Policy, College of Urban and Public Affairs
[REDACTED], Alumni, Master of Public Policy, College of Urban and Public Affairs
[REDACTED] Alumni, Master of Public Policy, College of Urban and Public Affairs
[REDACTED], Alumni, Master of Public Policy, College of Urban and Public Affairs
[REDACTED], Alumni, Master of Public Policy, College of Urban and Public Affairs

RESPONDENT: Bruce Gilley, Associate Professor, Political Science, College of Urban and Public Affairs

INVESTIGATOR: Whitney Kenner-Jones, Equity and Compliance Investigator

DATE OF COMPLETION: January 25, 2018

I. ISSUE

Is there a preponderance of evidence that Bruce Gilley violated Portland State University's (PSU) Prohibited Discrimination and Harassment Policy by discriminating against [REDACTED] and/or other MPP students on the basis of race, gender or gender identity?

Is there a preponderance of evidence that Bruce Gilley violated PSU's Prohibited Discrimination and Harassment Policy by discriminatorily harassing Kaki [REDACTED] and other students on the basis of gender or gender identity?

II. INVESTIGATION

On October 2, 2017, Dr. Carmen Suarez (Suarez), Vice President, Global Diversity & Inclusion, received a referral from Dr. Stephen Percy (Percy) Dean, College of Urban and Public Affairs (CUPA), which contained a letter signed by 23 Masters of Public Policy students from the Academic Year (AY) 2015 – 2016, and AY 2016 – 2017 Cohorts. In the letter, students complained about the implications of Professor Bruce Gilley’s (Gilley), article, “The Case for Colonialism”, as well as raised allegations that Gilley had exhibited a pattern of marginalizing individual students based on race and gender. Due to students’ allegations of discrimination based on race and gender, Suarez, Julie Caron (Caron), Associate Vice President, GDI and Yesenia Gutierrez (Gutierrez), Director of Affirmative Action and Equal Opportunity, determined a formal inquiry into the allegations was necessary. Whitney Kenner Jones (Jones), Equity & Compliance Investigator, contacted the 23 signatories to the complaint letter via email, and extended invitations to interview to discuss their concerns and review the investigative process. Of the 23 students contacted, six responded and participated in interviews with Jones. Of the six alumni, five elected to participate as complainants. While, all six students referenced Gilley’s article as negatively impacting them, Gilley’s work falls within academic license and freedom, and will not be addressed in this report. Students’ concerns with the article have been forwarded back to Dean Percy and CUPA.

Gilley was interviewed on December 7, 2017. He attended his interview represented by his attorney, Joyce Wan (Wan). Cindy Starke, Assistant General Counsel, was present on behalf of PSU.

The investigation included interviews with the following individuals:

1. Complainants;
2. Respondent;
3. Witnesses;
 - a. Dr. Birol Yesilada,
 - b. Helen Kilber,
 - c. Dr. Sy Adler, and
 - d. Student 1.

The investigation also included the following documents:

1. Emails Provided by [REDACTED]
2. Emails Provided by [REDACTED]
3. Emails Provided by [REDACTED]
4. Student Letter Dated September 29, 2017
5. Gilley Response Cover Letter
6. Student 2 Response letter Dated September 22, 2017
7. Gilley Comparative Policy Syllabus AY(s) 2015 – 2016, 2016 – 2017, 2017 – 2018.

III. BACKGROUND

Gilley has been an employee at PSU since 2007. He currently serves as a full time faculty member, and is a Professor of Political Science in CUPA, Hatfield School of Government. Gilley previously served as the Director of the Masters of Public Policy program during AY 2015 – 2016. Gilley resigned as director, for reasons unrelated to this investigation.

All students interviewed were Masters of Public Policy students in two cohorts. Cohort one, AY 2015 – 2016 and Cohort two, AY 2016 – 2017.

IV. ALLEGATIONS, STATEMENTS, & EVIDENCE

i. COMPLAINANTS' ALLEGATIONS

██████████ are all alumni of the MPP program. ██████████ took Comparative Public Policy with Gilley in Spring 2016, and ██████████ and ██████████ took Comparative Public Policy with Gilley in Spring 2017. ██████████ and ██████████ self-identified as white females, ██████████ identified as white and non-gender binary, ██████████ self-identified as a student of color, but asserted that he typically is perceived as a cis-gender white male. ██████████ self-identified as a white male.

All five students made general allegations that Gilley engaged in disparate treatment of female students, gender non-conforming students, and students of color. All five students alleged that Gilley often overlooked female students and students of color during in class discussions. As examples, all five students stated that Gilley would not call on female students who had their hands raised, but would solicit the opinions of white male students, even during times when the male students did not have their hands raised in an effort to participate. ██████████ stated that there were female students in class who had worked in various fields in Public Policy who were never called upon for their opinion, which he felt stifled his opportunity to learn from individuals with specified information regarding specific topic areas. ██████████ added that in class he was often called on to share his opinion, even when he had not offered to participate, and additionally noted that two white male Ph.D. Students would also be called on for their opinions, but females and students of color were not. ██████████ agreed that ██████████ was often called on for his opinion in class, although he had not raised his hand and had made no effort to participate or give his opinion. All five students alleged that Gilley cut off female students and students of color during class discussions, and during presentations. ██████████ added that Gilley's behavior in class was so bad that the students ultimately became quiet and "endured his behavior." ██████████ alleged that Gilley's behavior deliberately diluted the view points in the room.

All five students reported having conversations with female students and students of color in which they perceived that Gilley failed to give sufficient feedback to students of color and female students. Additionally, all five students alleged that Gilley graded white male students higher during Policy Labs than female students even when their performance was not a good and their preparation was not as well thought out as female students. For instance ██████████ stated that he noticed a significant difference on the day he presented for policy lab in that he received a score of ten out of ten, however, a female student who was clearly more prepared and presented better than he had, yet did not receive a ten out of ten.

He believed that she had received either a six or seven out of ten. He added that he additionally noted a difference in student grading when drafts for policy papers were returned. He stated that he noted that he scored extremely well on his drafts, yet female students and students of color did not. He stated that there seemed to be a lack of equitable grading practices on Gilley's part. [REDACTED] stated that he felt that the grades he received were warranted by his work, however, he did not feel that the grades were equitable when it came to other students and their work. [REDACTED] stated that during one conversation with a Latina female student pertaining to grading, the student had received a seven out of ten during her policy lab. He stated that during the conversation, she "threw up her hands" and said "I do not know how I can but at this point I am just looking to pass." He stated that it was his observation that she was frustrated, and it was his perception that the number of points deducted from her assignment was not warranted.

[REDACTED] added that he had observed Gilley making inappropriate comments toward female students. As an example, he stated that Gilley referred to a female student who was completing her policy paper on the reunification of Ireland as "a Fiery Irish."

All five students stated that they felt that Gilley set up class discussions to ensure that students were forced to argue from a conservative view point. [REDACTED] added that Gilley additionally assigned readings to reinforce his underlying beliefs. For instance, [REDACTED] stated that the readings reinforced the ideology that Colonialism was only positive, and that it would be absurd to think that undeveloped countries could resolve problems or issues without Colonization. [REDACTED] stated that he did not experience censorship in his papers, but added that Gilley did have strict requirements regarding the types of sources that could be used.

In addition to the allegations agreed upon by all five students, [REDACTED] alleged that Gilley was not equitable in offering Dean's awards scholarships and she had the perception that the awards were given to cis-gender white students. She alleged that the highest award was given to a cisgender white male who presented as ideologically conservative. She stated that the second year of the program, a scholarship was awarded to a Transgender African American Male student. She alleged that he was given a scholarship in addition to a Graduate Research Assistantship (GRA). She stated that the awards were given as a recruitment incentive at the discretion of Gilley.

[REDACTED] individually alleged that she had a disturbing interaction with Gilley during Winter Term 2016. [REDACTED] alleged that during a presentation in one of her courses, the feedback she received regarding professional dress seemed to be discriminatory based on gender identity. She stated that she was dressed in a more masculine fashion, and received negative feedback that her appearance was not professional; however, male students who were dressed in jeans, and "floppy" sweaters did not receive negative feedback. [REDACTED] stated that the negative feedback sparked an email thread through out the cohort where students engaged in a discussion regarding the incident. She stated that although Gilley was not the professor of the course where the comments occurred, she sought his assistance as the Director of the program. She stated that she felt this was an opportunity to address gender identity in a professional context. She stated that she approached Gilley initially via

email, asserting that this could be used as a learning opportunity for students, as it was apparent to her that issues surrounding pronouns usage was necessary. She stated that she also intended to provide resources to engage in a productive conversation around the topic. She stated that Gilley did not respond, so she approached him after class ended on March 29, 2016. She stated that she told Gilley she needed assistance in addressing issues around feeling that the panelist in Kilber's class had singled her out based on her chosen dress for her presentation being gender non conforming. She stated that she requested that he use his leadership to address her concerns and to help craft an appropriate format to respond to [community] professionals when issues like that arose in the future.

██████████ stated that Gilley immediately responded, "I cannot help you, I've got targets all over me, I am heterosexual, white, Protestant, Anglo Saxon, and CONSERVATIVE." She stated that she responded, "Geeze, when someone is coming to you expressing gender, or minority status [concerns] it is not helpful for you to identify all the privilege and dominant culture that you identify with." She alleged that Gilley then responded, "White Privilege does not exist, I have to work ten times harder than my female colleagues of color do." ██████████ alleged that she responded, "this is not going well." To which Gilley responded, "it is not." She stated that she ended the conversation by stating that she would find someone else to meet with and walked away. ██████████ then reported the interaction to Professor Lindsay Benstead as her academic advisor and to Dean Percy, and to GDI. ██████████'s complaint to GDI on March 30, 2016, recanted the conversation similar to ██████████'s statement during her interview, and included the following additional information:

[Gilley] said, "I have bulls eyes all over me, I am white, male, heterosexual, protestant and I'm conservative." ██████████ alleged Gilley then "lurched forward at her and she "took a step back. She alleged she said, "well it is not really helpful to point that out at this juncture in that way in fact there is a term called "white tears" that you might want to look into to learn more about that type of rhetoric." She alleged he said, "it is the truth I have no privilege that is a lie. I have to work ten times harder than my colored women colleagues to get anything published." ██████████ alleged that he heard "dropped into her hands," and she said, "Oh no this is going very badly," to which Gilley responded "it is." She alleged she stated that she had hoped they could talk and Gilley responded "WE CAN'T." She stated that she said she would find somewhere else and walked away.

She stated that after this interaction, she had a few other terse interactions in class with Gilley based on the [conservative] belief system embedded in his teaching. She stated that it was clear that there was conflict between her and Gilley during the course, and she was happy to "just get a B in the course." She stated she noticed disparities in the grading of her assignments, for instance she would turn in a completed draft and receive a grade of "B", however, cis-gender white male students would turn in drafts containing "a few sentences" but would receive grades of "A." She added that Gilley did not like to call on her in class when she had her hand raised, and that Gilley would exhaust all options of calling on other students before he would acknowledge her.

██████████ added that she additionally had an alarming experience while waiting for an advising appointment with Gilley. ██████████ alleged that as she waited outside Gilley's open office door,

while he was having a conversation with Helen Kilber, in which she over heard the two discussing an incident that had occurred with ██████ a few weeks prior. She stated that Gilley stated that ██████ had been disruptive in class. She stated that Gilley then said, “we get the point that everyone needs to be inclusive.” ██████ added that as Gilley made the comment he was using an openly mocking and tone that implied he was making fun of ██████. She alleged that Gilley continued by saying, “there was a time and a place for diversity and inclusion why can’t [██████] get with the program.” ██████ stated that she felt disgusted after hearing the comments and added that it negatively impacted her relationship with Gilley, as well as her ability to do work in his class. She stated that she then changed her advisor to Dean Sy Adler. She stated that she no longer trusted Gilley, and completely avoided him the second year in the MPP.

██████ alleged that she was removed as co-editor from the Hatfield Journal because she was an outspoken woman. She alleged that students held an election and she and a male student were elected co-editors. She alleged that Gilley over turned the election and made the male student the sole editor of the journal.

██████ stated that as a cohort representative she felt it important to organize and work with students in the cohort to make the leadership in the MPP aware of the complaints that students were experiencing. Therefore she assisted in drafting and editing the following letter that was sent to Dean Percy on September 29, 2017, quoted in relevant part¹:

We are writing to express our collective outrage, sadness, and frustration as current and former students of Professor Gilley.... We understand the value in academic critique. However, ... We assert that this is not an isolated incident of implicit or explicit bias. Professor Gilley has a pattern of marginalizing individual students based on their race and gender in classes. It is the opinion of the group that Gilley has collectively violated the trust that students place in their institution, professors, and advisors for ethical professional and academic guidance.... The hindsight offered by this unfortunate event has solidified for many individuals in our cohorts that discriminatory treatment experienced under Professor Gilley was overt rather than incidental. His article was seen as a piece of very emotionally disparaging evidence that his past individual interactions were rooted in a deeper ideology.

...Dr. Gilley has made his views apparent prior to this incident decrying diversity in hiring practices, while ironically extolling the virtues of diversity of political opinions in academia... The inaugural MPP cohort documented concerns about Gilley’s conduct and his dismissive attitude toward practices and mechanisms to increase diversity. Structural program changes were made in response to these documented concerns.

...This letter should serve as evidence to the administration at PSU that a single online diversity class is not adequate to address the systemic injustices perpetuated upon students.

¹ The student letter included significant discussion of Gilley’s article “The Case for Colonialism,” and the effect the article had on students. Student concerns regarding the letter have not been addressed or evaluated by GDI, as those concerns fall under Academic License and are outside of the purview of GDI. Those concerns have been referred to CUPA, and will not be discussed or evaluated in this report.

This focusing event should provide insight into how to reassess and more appropriately monitor, evaluate, and properly implement diversity training for faculty at PSU.

Respectfully,

Alumni and Current Students of the first and second Master of Public Policy Cohorts

We do not claim to represent the views of all students and are individually identified below:

The letter was then signed by 23 MPP former and present students. [REDACTED] [REDACTED] were all signatories of the letter. One student, who self identified as a student of color elected not to participate in the letter and replied to [REDACTED] draft letter on September 22, 2017 providing the following reasoning, quoted in relevant part:

Thank you for your work in organizing a collective response and capture some of the feelings out there. I appreciate that you have used your own time to work on this despite the many other things you do.

I want to let you know that I will not be signing on the letter, but I want you to know my thoughts about it and about what is going on. I think that the letter uses very strong language and accusations that are not necessarily well supported. The accusation that “Professor Gilley has a pattern of marginalizing individual students based on their race and gender in classes” is, for example, one that seems to be based in the experiences mostly of some students in the first cohort. I do not relate to their experience as I never perceived any attitudes or heard any comments from Professor Gilley, during his class or office hours, that made me remotely feel marginalized due to my gender or race. I do not want to undermine their experiences, but I believe that statements like this would be better supported by asking the Program Director to review the student evaluations for the first cohort (and second), and/or perhaps asking for a review of Professor Gilley’s file to see if there have been any complaints.

[REDACTED] alleged that overall she had a decent relationship with Gilley, and felt that she was graded efficiently, but stated that she had concerns that other students, particularly female students of color, were not treated the same. She stated that it was this perception that prompted her to come forward and participate in the present complaint.

ii. WITNESS STATEMENTS

i. BIROL YESILADA

Birol Yesilada (Yesilada), is currently the Interim Director of the Hatfield School of Government. He additionally works as a colleague of Gilley’s as a Professor in Political Science. Yesilada stated that he was aware of [REDACTED] complaint, and had not received any similar complaints from students. Yesilada stated that the complaints that he was made aware of by students were more critiques of the program versus complaints. He stated that student comments ranged from disagreements with the Dean’s office to differences of opinion and unhappiness regarding the manner in which the MPP was run. He stated that students additionally complained about Gilley’s “authoritarian style” of ruling in the program. He stated that students additionally complained regarding an article Gilley

recently published – however, he recognized that the article fell within academic freedom. Yesliada added that during students’ complaints regarding Gilley’s article, they additionally raised concerns about their perception that Gilley gave differential and preferential treatment to some students, and dismissed students who held different view points than his own, and was not sensitive to minority and female students. Yesliada’s notes dated September 21, 2017 confirm his account of student concerns. Yesliada stated based on the letter that accompanied the student complaints (quoted above), their concerns seemed appropriate to forward to GDI.

Yesliada confirmed that Gilley was not the sole decision maker regarding admissions and grants and confirmed that decisions regarding admissions into the program, as well as providing grants to students were made via committee.

ii. HELEN KILBER

Helen Kilber (Kilber), worked as an adjunct professor in CUPA during AY 2015 – 2016. Kilber stated that it was during her course where the comments arose relating to dress of gender nonconforming students which offended ██████████ and other students. She stated that she was aware of ██████████’s concerns, and recalled having a conversation with Gilley, in Gilley’s office, while a student waited for an advising appointment. She recalled that the conversation did include a discussion of ██████████’s concerns; however, she could not recall specifics of the discussion – and added that ██████████ was not the focus of the conversation. When presented with the students specific allegations, Kilber stated that it did not sound impossible – however she could not remember Gilley making the specifically alleged statement. Kilber stated that she was unaware of any other student complaints regarding Gilley and had no other conversations with Gilley regarding the allegations.

iii. SY ADLER

Sy Adler (Adler), has worked as the Associate Dean of CUPA for the past five years. He has been a faculty member at PSU since 1982. For AY 2015 – 2016 and 2016 – 2017 Adler served as the Interim Director of the Hatfield School of Government. The Director role is equivalent to a Chair in other departments at PSU. Adler stated that as Director he appointed Gilley as the Director of the MPP, and as Director Gilley had oversight of the MPP. Adler stated that the Director role of the Hatfield School of Government, it was ambiguous as to whether there was any supervisory responsibility over Gilley – or other directors.

Adler stated that during AY 2015 – 2016, he was made aware of ██████████’s complaint that Gilley had exhibited inappropriate behavior towards ██████████ when she complained regarding an incident that evolved from another course. He stated that ██████████ went to Gilley for assistance in his role as Director. Adler stated that he met with Percy and additional faculty after receiving a report from GDI discussing the interaction between ██████████ and Gilley. Adler stated that based on the ambiguity in the GDI report, that Percy and Adler were unsure what, if anything should be done in response to the report. He stated that he and Percy then had a general discussion with Gilley and other faculty regarding the

importance of treating diverse students with respect. He stated that the conversation remained at a general level. Adler stated that later he and Percy discussed the recommended training proposed by GDI, and concluded that all faculty should be referred to training, not just Gilley. Adler was unsure whether Gilley attended any recommended training. GDI's memo to Percy is quoted as follows:

This will serve as formal notice that our office has received a complaint from Masters in Public Policy student Kaki [REDACTED] against Professor Bruce Gilley. The basic allegations are that Prof. Gilley failed to respond to comments made by a guest lecturer regarding professional dress as it related to one or more gender nonconforming students, and when approached by Ms. [REDACTED] to discuss the matter, he allegedly responded with comments implicating the race, gender, and sexual orientation of other faculty members. (The body of Ms. [REDACTED]'s complaint is attached for your review.)

Even if true, the comments at this time do not rise to the level of a policy violation. Therefore, OEC will not be conducting a full investigation. However, the comments are concerning, and we recommend that Prof. Gilley (and perhaps others in the department) be made aware of University non-discrimination policy and provided additional training regarding gender identity issues to avoid future complaints. As we discussed today, the QRC can provide training resources, and OEC can provide support as well.

Thank you for your attention to this matter. I ask that you please follow up with me once you have addressed the issue so that I can close out my file.

Let me know if you have any additional questions.

Adler stated that the above was the only complaint of this nature that he received from students. He added that other complaints were received from students; however, they all stemmed from Gilley's management of the MPP and had nothing to do with any protected class or status. Adler reported that during his exit interview with [REDACTED] she commented that although she and Gilley had a rough interchange, and she found it necessary to file a complaint against Gilley, that her interactions with him in class had been good.

Adler stated that the start of the program was rough, and student complaints revolved around lack of communication with faculty, overlap of subject matter and topics across courses, and concerns regarding advising. Students shared that they felt abandoned by their advisor. Gilley ended up as a de facto advisor for all MPP students in AY 2015 – 2016; which was likely overwhelming for Gilley.

Adler stated that Gilley did start a student edited journal for the Hatfield School of Government, and as part of the funding proposal, he requested co-editors. Adler stated that unfortunately the funding committee did not approve the positions, and Adler negotiated to get the funding approved. Adler stated that he was unsure why Gilley decided not to use the funding, but confirmed that students were aware that the funding was available, and as a result complaints were lodged when the positions were not filled. Adler stated that he could only speculate, but assumed that Gilley lost interest in the journal based on ideological views. He asserted that the students' points of view were far more liberal than Gilley's. He

added that students were interested in publishing articles that reflected their view point, and Gilley had hoped that the Journal would take a different direction. He reiterated that this was speculation on his part, and he could not confirm why Gilley elected not to fill the editor role.

iii. STUDENT 1

Student 1 stated that it had been her perception based on her personal observation, as well as conversations with female students in Gilley's courses, that female students and students of color performed worse in Gilley's courses than white male students. Student 1 stated that female students received grades after other students, and their assignments contained minimal feedback with grades of "C" and "D".

Additionally, Student 1 stated that on the first day of her comparative policy course with Gilley, he made repeated statements about PSU's anti-harassment policy, and continuously used "Gays" as the examples of policy violations. She stated that the examples made her extremely uncomfortable, and added that she felt that Gilley's references and examples regarding "Gays" seemed really "outdated." She said that she recalled that the statements seemed "tokenizing of Gays" and while she could not remember exactly what phrases Gilley used, she remembered the comments being upsetting and making her feel awkward.

Student 1 added that it had been her observation that Gilley favored the three white male students in class, frequently calling on them, at the expense of other students opportunities to participate. She stated that often in class, she would raise her hand to participate; however, Gilley would actively look over her and ask the three white male students for their opinions or feedback.

Student 1 stated that during her time in Gilley's comparative policy course she felt pressured to write in a way that was in alignment with Gilley's point of view. She stated that she chose to write her paper on reunification of Ireland through Policy. She stated that Gilley began to refer to her as a Fiery Irish Republican, and other similar phrases. She stated that she felt judged and uncomfortable. She stated that ultimately she became frustrated with Gilley's references to her, and changed her topic and submitted an additional draft. She stated that similarly, a female student of color chose to write about abortion. She stated that it appeared evident to her that Gilley treated that student differently based on her view point in the way that she was graded on assignments. She stated that male students received better grades, although their draft papers were not as well developed as those of female students in the course. She stated that Gilley's lack of preparation for one on one meetings with female students and students of color made it quickly apparent that women and students of color were not priorities to Gilley.

Additionally, Student 1 stated that Gilley often shut down individuals in class who expressed ideals that he felt were "too liberal," she added that Gilley additionally censored sources and articles and literature reviews for students who wanted to focus on topics related to women's issues. She stated that Gilley additionally required students to focus on western conservative sources for data. She added that Gilley refused to allow students to address racial justice and equity in their policy papers. She stated that he referred to the

topic as inappropriate, and stated that it would be inappropriate to include an equity lens in their papers. She stated that his censorship “really stifled” her academic freedom.

Student 1 stated that during class presentations a female student of color was the only student who Gilley “cut off in the middle of her presentation,” and told her to “stop talking.” She stated that he did not do this to any male students or white students. She added that during Policy Lab presentations, white male students received more positive feedback and scored higher than their female counterparts who were more prepared, more well-versed on the subject area, and overall provided a better, more substantial presentation.

iv. RESPONDENT BRUCE GILLEY’S STATEMENT

Gilley stated that in his courses all students were treated equally. Gilley denied treating students differently. Gilley asserted that during his classes, he did not “call on students as a matter of practice.” He stated that he responded to students who wished to join the conversation, and added that he only called on students who had their hands raised. Gilley stated that it would have been a break from his ordinary practice to call on students who did not have their hands raised. Additionally, Gilley denied cutting off or interrupting students of color, and added that it was his ordinary practice to allow students to finish their full statement prior to responding. Gilley stated that, he additionally treated all guest speakers who visited his courses equally, and asked all speakers to engage with students in open ended discussions.

Gilley stated that he could not recall ever being corrected by anyone regarding the proper gender pronoun usage.

Gilley stated that he invited many diverse perspectives into class discussions, and added that many student projects pertained to diversity specifically. He denied interrupting students who raised diverse topics and/or points of view.

As it pertained to grading, Gilley stated that he graded policy labs according to the rubric in his syllabus. Gilley stated that when he broke down the grades across students in his courses from AY 2015 – 2016 and AY 2016 – 2017, there was no significant difference in the grades received by males versus females. Gilley’s course roster, and grade break down of all students corroborates that there was no significant difference in grades received by males versus females. Female received on average 89.1 and males received on average 91.5. Additionally, review of Gilley’s assigned grades indicated that the lowest grade received of all students in his courses was a white male. Gilley added that when grading drafts and papers, he grades solely based on conformity with instructions and his judgment regarding how closely students followed instructions. Gilley asserted that his grading was based on those considerations alone, and neither race nor gender was factored. Gilley nor any of the student participants provided any graded drafts or documentation of grades received on individual assignments. However, Gilley’s syllabus for AY 2015 – 2016 allocated 15% for attendance, 15% for policy lab participation, 15% for drafts, 15% for graduate papers, and 30% for Comparative Policy paper. During AY 2016 – 2017 Gilley’s

syllabus allocated 20% for Policy Lab Leadership, 10% for policy strategy paper drafts and 25% for final papers (total of 35%), 10% for policy analysis paper and 25% for final papers (total of 35%), and 10% for paper elevator speech.

Gilley denied providing disproportionate feedback to students based on race. He stated that he graded papers in the order in which they were received, therefore, students who submitted their papers later in the term received their grading and feedback later in the term.

Gilley admitted to referring to Student 1 as a “hot headed Irish Nationalist.” However, he stated that it was because Student 1 initially referred to herself in that specific language, and he jokingly repeated it back to her. He stated that he assisted Student 1 with her paper and she successfully completed the course with a grade of “B+.” Gilley stated that he did not believe that Student 1 changed her topic, as they worked together to find adequate comparator information to successfully complete the paper.

Gilley denied grading a female student who wrote her policy paper on abortion poorly. He stated that the student actually received the highest grade in his course of any student over two years. Gilley’s grading roster corroborated the student received the highest grade in his course.

Gilley denied censoring topics, sources, and terminology in his courses. Gilley asserted that he did have conversations in class regarding students use of terminology, specifically in their use of racism as descriptor of individuals versus as a descriptor of systems or structures. He stated that he did not mark students grades lower based on the terminology they used, and added that the conversation regarding the term racism was an opportunity to help students develop professionalism in the language they used to describe policy. Gilley admitted that he did tell students that his preferred terminology for undocumented people was “illegal” however, he did not mark students grades lower based on the language they chose to use in their paper.

Gilley denied being the sole decision maker in the awarding of scholarships to incoming students. He asserted that the Dean’s Award Scholarship applications were reviewed by a committee including; Gilley, Lindsay Benstraid and Craig Shinn. He stated that the three deliberated over the applications and made determinations regarding which applicants received awards. Gilley stated that race, gender, and gender identity were not considered in the deliberation process. Gilley acknowledged that some awards were provided prior to the application deadline. He explained that the awards operated as a recruitment incentive for strong applicants. He stated that the awards were provided to students who were strong candidates and would likely be accepted at multiple graduate programs, in an effort to get them to commit to PSU. He confirmed that there was a work placement component to the scholarships as well as \$5,000.00 deposited into the students PSU account. He stated that it was his understanding that each student awarded a scholarship received \$5,000.00 in their first year, and if the student continued in the program and was in good academic standing the scholarship was renewed for an additional \$5,000.00. Gilley denied that any student received more funding than other students who received the Dean’s Award Scholarship. He

stated that the funding difference received by a white male student was attributed to that student also being employed as a Graduate Research Assistant in the President's Office, a job for which that student received payment.

Gilley denied selectively advising students based on race and/or gender. He asserted that there were issues with an additional faculty member who was supposed to advise students during AY 2015 – 2016. Gilley stated that due to these issues he was assigned additional students to advise during the year. He stated that based on his workload, commitments as the program director, and the initial group of students he advised, some students did not receive the same amount of advising. Gilley asserted that the disparity in advising was a logistical issue, and race and gender were never a factor.

Gilley acknowledged discussing ██████'s initial complaint with Kilber, but denied commenting negatively on ██████, or their gender or gender identity. Gilley denied treating ██████ or any other gender nonconforming students differently, and added that he greeted all students enthusiastically and professionally. As it pertained to ██████'s complaint that Gilley was inappropriate in dismissing their request for assistance around appropriate dress for gender non-conforming students during presentations, Gilley denied stating, "I cannot help you, I have targets all over me, I am heterosexual, white, protestant, Anglo Saxon and CONSERVATIVE." He additionally denied and could not recall the remaining dialogue alleged by ██████. He stated that he did recall a "spirited exchange" where both expressed their view points. Gilley stated that he thought the conversation went well, but did recall ██████ commenting about "White tears", and telling Gilley that he should go and look it up. He stated that ██████ additionally commented on Gilley's "White Privilege." Gilley stated that no one in the department or the Dean's office addressed any concerns regarding the conversation. He stated that the Dean did notify him about a complaint regarding the speaker's feedback in which the Dean notified him that there was an investigation and they needed to manage those types of interactions. He stated he received no personal feedback or instructions, as the purpose of the meeting with Dean Percy was to brainstorm about how faculty could prepare and have process to address concerns like that in the future. Gilley stated that he attended no diversity training after the event, as he was not instructed or informed to do so.

Gilley denied removing ██████ as co-editor from the Hatfield Journal. He stated that students held an election based on unapproved bylaws, and therefore the election was not valid. He stated that the question went to Adler when he took over as Director of the program.

Gilley denied ever commenting that there were no qualified faculty members of color, and denied stating that to hire a person of color would make them tokens. He stated that he has made no effort to exclude candidates of color from being instructors in the MPP. Gilley stated that he does not have control over hiring new faculty members.

Gilley denied making any statements or using "gays" as examples when reviewing his syllabus, as it would be outside of his ordinary practice to discuss the discrimination and harassment policy in class.

V. CONCLUSION

PSU's Office of Equity and Compliance (OEC) investigates claims of prohibited discrimination and harassment. Portland State [University's Prohibited Discrimination and Harassment \(12-1\)](#) policy states in part:

- **Discrimination:** Discrimination means excluding from participation, denying the benefits of, or otherwise subjecting an individual or group of individuals to different treatment based on "Protected Class," which includes age, disability, national origin, race, color...or any other basis protected by federal, state, or local law, or ...any other category covered by law.
- **Discriminatory Harassment:** Discriminatory Harassment means verbal comments, graphic or written statements, or physical conduct by a student, faculty, staff or other PSU community member based on a Protected Class or Protected Classes that is so severe, persistent or pervasive that it interferes with or limits a student, faculty, staff, volunteer or PSU community member's ability to participate in or benefit from the university's educational and/or employment opportunities, programs or activities. Discriminatory Harassment includes sexual harassment.

An employee violates PSU's Prohibited Discrimination and Harassment policy based on discriminatory harassment when an employee makes verbal comments, graphic or written statements or engages in other conduct based on a protected class, such as national origin and gender, and the comments and conduct are so severe, persistent or pervasive that it interferes with employment or educational opportunities.

i. DISCRIMINATION BASED ON RACE, GENDER, AND GENDER IDENTITY

Based on the foregoing, there is insufficient evidence that Gilley violated PSU's Prohibited Discrimination and Harassment Policy based on the Complainants' and other students' race, gender or gender identity. The findings are as follows:

- It is credible and there is sufficient evidence that Gilley holds conservative values that may vary drastically from the thoughts and ideals of the Complainants as well as other students enrolled in the MPP program. However, these views are protected both constitutionally, and via policy at PSU for both Gilley and Complainants. There is insufficient evidence that Gilley's ideological point of view lead him to engage in discriminatory behavior towards MPP students.
- There is insufficient evidence that Gilley graded students discriminatorily based on race, gender or gender identity, as the evidence of Gilley's final grades from both AY 2015 – 2016 and AY 2016 - 2017 makes it clear that there was no significant or remarkable difference between grades received by female students vs. male students, as well as no remarkable difference in grades received by students of color vs. white students. Additionally, the breakdown in percentages provided in Gilley's course syllabus for papers, policy labs, and attendance are

- allocated in a way that would make it unlikely that Gilley could adversely grade female students and students of color in a way that would allow the grades to maintain such a close division in the breakdown of grades across all students in Gilley's class. It is unlikely that a female student of color would obtain the highest grade in Gilley's course if race or gender discrimination was present in grading.
- There is sufficient evidence that Gilley was not the sole decision maker in awarding Dean's Award Scholarships to MPP applicants. There is sufficient evidence that decisions were made by a committee of three based on applicants competitive standing. It is credible based on Gilley's assertion and [REDACTED] confirmation that the Scholarships were given as recruitment incentives. It is additionally credible that scholarships were given prior to the deadline date, as they were recruitment incentives and needed to be given to secure commitments to PSU for students with competitive applications who might have otherwise chosen to student at different institutions.
 - Based on witness testimony it is credible that Gilley did not call on female students and students of color as often as he called on white male students to participate in class. All students interviewed provided similar observations of the behavior that Gilley exhibited in class, as it pertained to calling on white male students for opinion and participation in class, and that female students were not called on as frequently, and that students of color were rarely called on. The Complainants' statements that their educational opportunity was hindered based on lack of participation and input from students of color and female students is credible.
 - There is insufficient evidence to find that Gilley discriminated against students of color and female students. While the Complainants' statements were consistent in their perception of Gilley's behavior, and some students of color did sign the Students' letter to Dean Percy, the evidence in Student 2's written response regarding the Students' letter to Dean Percy was compelling evidence that some students of color did not perceive interactions with Gilley to be discriminatory or harassing.
 - There is insufficient evidence that Gilley inappropriately censored materials that students used to complete policy labs and policy papers. There is sufficient evidence that Gilley had strict guidelines regarding the types of sources, such as requiring the use of peer reviewed journals, that students could use. However, this is not sufficient evidence of discriminatory behavior or an effort to infringe on academic freedom of students, as many professors across the University require students to adhere to strict guidelines when selecting academic resources to complete academic work product.
 - There is insufficient evidence that Gilley provided disparate feedback to students of color and female students.
 - There is no evidence that Gilley graded students differently based on their chosen topics being out of alignment with his conservative views or values. There is sufficient evidence that the female student of color who wrote about abortion during her policy paper received the highest grade in Gilley's course.
 - There is insufficient evidence that Gilley selectively advised students based on race or gender. It is credible that the other faculty member who was tasked with

filling an advisory role for MPP students was unable to fulfill his duties, and Gilley – by default – was tasked with advising more students than what was feasible to provide quality advising to all students. The disparity in advising was created through no fault of Gilley’s.

- There is insufficient evidence that Gilley removed [REDACTED] as co-editor of the Hatfield Journal based on gender.
- There is insufficient evidence that Gilley used “gays” inappropriately while discussing the discrimination and harassment policy in his syllabus.

Based on the above, there is insufficient evidence that Gilley violated PSU’s Prohibited Discrimination and Harassment Policy based on Complainants’ or other MPP students based on race, gender and gender identity. The consistency the MPP student complaints and the perception of Gilley’s behavior may indicate implicit bias, and microaggressions that Gilley may not intend or be aware of, but nonetheless it is impacting MPP students. It is likely that Gilley would benefit from implicit bias and microaggressions training in an effort to reshape students perception of his behavior. This matter is referred back to Dean Percy and CUPA.

ii. DISCRIMINATORY HARASSMENT BASED ON GENDER AND GENDER IDENTITY

There is insufficient evidence that Gilley violated PSU’s discriminatory and harassment policy by discriminatorily harassing [REDACTED] and [REDACTED] on the basis of gender and gender identity. The findings are as follows:

- There is insufficient evidence that Gilley commented that there were no qualified candidates of color for certain positions, and that to hire them would make them tokens.
- There is sufficient evidence that [REDACTED] and Gilley engaged in a conversation regarding [REDACTED]’s concerns of discrimination based on gender identity through comments made by an invited panelist to Kilber’s course.
- It is credible [REDACTED] sought assistance and guidance based on Gilley’s position as the Director of the MPP.
- It is credible that [REDACTED] version of the conversation is the closest to the conversation that occurred between her and Gilley. [REDACTED]’s version is credible, based on the similarity between the statements she provided at the time the incident occurred. Her recitation of the events to Dean Percy at the time in 2016, in addition to her recitation of the events to Renee Starr, Contract Investigator, GDI, in 2016 and her recitation of the conversation to Jones during her 2017 interview. It is additionally credible based on Gilley’s remembrance that [REDACTED] referenced “White Tears” as a portion of the [REDACTED] conversation.
- It is credible that [REDACTED] overheard an inappropriate conversation regarding [REDACTED] between Gilley and Kilber, where Gilley mockingly discussed [REDACTED] complaint, as well as the need for diversity and inclusion.

There is sufficient evidence based on Kilber's recollection that she did have a conversation regarding [REDACTED], in Gilley's office, with the door open, while a student was waiting for advising, that [REDACTED] could have heard Gilley and Kilber's conversation.

- [REDACTED] recollection of the conversation is credible, in that Kilber confirmed [REDACTED] was a topic discussed and that the discussion related to [REDACTED] 2016 Complaint.
- It is credible that [REDACTED] overhearing the conversation negatively impacted her, and adversely affected her professional relationship with Gilley.

A single incident of inappropriate comments made to a student based on gender or gender identity generally does not rise to the level of a policy violation and should be met with the opportunity for training and professional development. In this case, the discriminatory comments Gilley made directly to [REDACTED] and Gilley's apparent lack of insight into how those comments coming from a faculty member in a position of power might adversely impact a student, are matters of serious concern. While the comments do not rise to the level of a policy violation, as they do not meet the standard of severe, persistent, or pervasive, the comments are discriminatory in nature, and warrant training, and appropriate follow up through the Office of Academic Affairs (OAA).

Based on the foregoing there is insufficient evidence that Gilley discriminatorily harassed [REDACTED] and [REDACTED] on the basis of gender identity, as his comments do not meet the standard of severe, persistent or pervasive. This matter is referred to Dean Percy, CUPA, and OAA for appropriate follow up.