

Troubling questions on the forced departure of an UU professor

By Klaus Steigleder

In an article on December 14, 2020, DUB reported on the forced departure of a UU professor and director of the Utrecht Ethics Institute (<https://www.dub.uu.nl/en/news/professor-forced-resign-university-criticised-how-it-handled-complaints>). As a frequent visitor of the Ethics Institute for nearly two decades I took vivid interest in this report. The article collected the available background information and represented the different standpoints of the involved parties. The information was unavoidably incomplete because many of those interviewed by the DUB were bound by rules of confidentiality. The UU Executive Board reacted on the article with a statement in order “to clarify the situation”. It says: “The immediate reason for the professor’s departure was a series of complaints by a former colleague and a current colleague. The Executive Board acknowledges that the professor’s actions and negligence were so culpable that legal consequences could not be avoided.” This is a strong assertion and an assertion to which the professor, who according to the DUB article is bound by a confidentiality agreement with the university, has no possibility to contradict. It is also irritating that the assertion seems to be ill-founded by what the statement further says and by what one can learn from the DUB-article.

It is, of course, of the utmost importance that the university sees to it that its members, especially its dependent members, do not become the victims of “intimidation, sexual harassment, discrimination, aggression, violence and bullying”, as the UU’s complaints procedure details “inappropriate behaviour”, and that it gives its students and employees the possibility to complain about and to move in on such behaviour and to be able to do so without having to fear any disadvantages. This is the obvious intention of the “Complaints procedure for inappropriate behaviour” of 9 April 2019. On the other hand, the university must safeguard that the “Complaint procedure” is not misused for an intrigue with the aim to destroy a member of the university personally or professionally. It is here, where I find the DUB article and the statement of the Executive Board alarming. Let’s consider for a moment (without making any corresponding claim) the possibility that the professor was the victim of an intrigue, what could have protected him? I asked myself this question when reading and rereading the DUB article, the statement of the Executive Board and the Complaint procedure and I always came to the same answer: nothing!

Apparently, there were four accusations against the professor, one unquestionably justified, and three, at least according to the information given, clearly doubtful. What is all

the more irritating is that some obvious reasons for doubt are not even mentioned. This raises the suspicion that the one justified accusation was or is used as evidence for the claim that the other accusations are also justified. Let us look at the four accusations:

1. The professor did not declare a long-term relationship with a former student and collaborator (complainant 1). The professor acknowledged this and acknowledged that not declaring the relationship was wrong. And it certainly was so in a non-trivial way. On the other hand, UU does not forbid such a relationship per se and, unlike other universities in the Netherlands, has no rule which requires such a declaration. The statement of the Executive Board refers to UU's code of conduct but remains more than vague here. It rightfully invokes the importance of transparency. I would interpret this in the following way: a superior must avoid the dangers or semblances of a possible partiality in his or her official decisions or treatment of students or collaborators. However, there seem to be no indications that the professor actually violated his duties of impartial treatment, e.g. by unjustifiedly favouring complainant 1.

2. Complainant 1 claims to have been sexually harassed by the professor. This accusation by complainant 1 the Executive Board of UU has considered to be unfounded. This has implications for the credibility of complainant 1 in general. This credibility is in my view not enhanced by the statement of complainant 1 (via her attorney?) that she never had a relationship with the professor because a relationship requires equality of power and consent. Does she mean that a relationship between a student or collaborator and a professor is in principle impossible because of the ineliminable power differential and that a young adult (in her case possibly in the second half of her twenties?) is in principle not able to freely decide whether to start or sustain (over many years) a relationship with a professor? Should one believe this? Or is the claim, rather than a principled one, only referring to the special case, so should one believe that this mischievous professor continuously forced her into a relation she did not want? How should one conceive of a forced relation of many years with no one being aware of it?

3. Complainant 2 (a male colleague of the professor) accused the professor of imposing a gag order on him concerning accusation 1 and of creating an unsafe working environment. The professor denies this, so that word stands against word here. However, additional evidence and/or witnesses are invoked. What kind of evidence could that be or who could be a credible witness on this? After all, the accusation is not that the professor imposed the gag order in front of others. And most importantly, how could complainant 2 know about the relationship in the first place? To be sure, the professor does not deny

that he spoke with complainant 2 about the relationship. However, it is implausible to assume that the professor informed complainant 2 about it. Thus, complainant 2 did already know about it. How and from whom? Is there a connection between complainant 1 and complainant 2, and if so, what kind of connection? To make sure that the accusers are not related to each other and that the accusations are not collusive is, of course, of the utmost importance. However, these questions are neither raised nor answered. One may hold this to be negligent. Besides, it is completely unclear what the alleged “unsafe working environment” is supposed to mean. Is this implied by the alleged gag order, so that a gag order creates as such an “unsafe working environment” or is this a further accusation? If so, what is the accusation?

4. There seem to be more general accusations of an “unsafe working environment” and serious grievances at the Ethics Institute under the direction of the professor. Again, these accusations are excessively vague and unsubstantiated. They were raised by complainants 1 and 2 and possibly by others during the investigation procedures. In the DUB article, one reads about a somewhat dominant discussion behavior by the professor. As in the Netherlands university departments, institutes and university members are evaluated annually, it is implausible that an “unsafe working environment” went undetected. The DUB article starts with reporting the complete surprise by the members of the Ethics Institute about the accusations against and the forced departure of the professor. The consideration that the professor perhaps treated different members differently comes as a later attempt to explain the unsuspected. This speaks by itself against an “unsafe working environment”. The Executive Board commissioned an independent investigation on the culture of the Ethics Institute. The Executive Board is eager to assure those who are puzzled about this that it was not meant as obtaining a second opinion. Nevertheless, the normal course would certainly have been to do such an investigation before any decision was made on the professor. The information on the results of the investigation remains vague in the statement and in the article, but one gets the impression that no problems with the culture of the Ethics Institute were found. This would also speak against an unsafe working environment for which the professor could be held responsible.

Thus, there are serious doubts concerning all other accusations besides accusation 1. One must resist the temptation to assume that a professor who did not declare a relationship with a student or collaborator probably did many other bad things. Instead, one should be alarmed. The university must be able to exclude the possibility that the professor was not and is not the one harassed. It must offer protection against “inappropriate behaviour”

(and must, of course, define it in objectifiable and verifiable ways) in both directions. If UU does not do so, its employees are really unprotected.

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