

ASU

Arizona State University
touts itself as an increasingly
diverse campus dedicated to
fairness for all, but the hand-
ful of discrimination cases
against the university paint it
in a much different light.

BY JANA BOMMERSBACH
ILLUSTRATIONS BY PETER AND MARIA HOEY

U's
TRUE
COLORS





r. Theresa Cameron

was a real "find" when she arrived at Arizona State University in 1997. She brought two advanced degrees from superior schools - a master's in planning from the University of Michigan and a doctorate in design from Harvard University. She is an African-American woman in a field that has few of either, and she came with a breathtaking life story.

Cameron was abandoned at birth and spent her first 19 years in a dozen foster homes, never knowing security. She long doubted she'd even graduate from high school, but she overcame all of that with talent, intelligence and determination - the kind of grit that inspires. As Oscar Tillman of the NAACP puts it, "She's the kind of example most colleges would build statues for."

Cameron quickly proved to be an excellent teacher, received wonderful reviews and was popular with students. Nobody was surprised when she earned tenure in 2000 and ASU achieved another milestone: She was the first (and so far only) African-American woman ever tenured in its College of Design. Tenure is the badge of permanence in the academic world, a status that says you've achieved stature in your profession and can't be fired except "for cause." Tenure protects professors from political pressure and, unless they are accused of "outrageous behavior," guards their jobs.

So a lot of people are still stunned that things ended so ugly for Cameron. On June 23, 2008, ASU President Michael Crow personally fired Cameron, overturning a university committee of her peers that recommended she keep her job. His 10-page decision effectively ended her career and, since it stopped the health care benefits she received as an employed professor, made it difficult for Cameron to seek treatment for heart problems and bouts of clinical depression.

But explain why she was fired to virtually anyone in the academic world and you'll get one of two reactions: either an outright laugh or a dismissive chortle with the sentiment of "you must be kidding."

Now Cameron is fighting back in two civil rights lawsuits claiming Crow conspired with at least four others - including her immediate boss, former College of Design Dean "Duke" Reiter - to "falsely accuse" and trump up charges against her because she dared speak up for female pay equity and about the discrimination against a Korean colleague she says she witnessed.

She is suing in both state and federal court for racial, gender and disability discrimination (as a result of her clinical depression).

She's not alone in claiming discrimination by ASU. Sources close to ASU tell PHOENIX magazine that at least a handful of others have cases pending before the Equal Employment Opportunity Commission or have lawsuits under way claiming they were treated unfairly because of their race or sex. (The EEOC would not reveal the exact number of cases pending.)

Dr. Kathryn Milun, for example, says she was discriminated against because she's a mother of three who tried to combine her career with motherhood (more on her case later).

Dr. Joocul Kim says that, because he is Korean, his peers and university officials discriminated against him by ignoring or discounting his international scholarship.

And other voices from within ASU - voices that speak in whispers because they say a "culture of retaliation" rules the univer-

sity these days - say there's a growing concern that the ugly head of racism and sexism is not only alive and well, but coming from the highest offices of the fifth largest university in America.

ASU counters that these charges are absurd, that the university as a whole and Crow in particular are committed to fairness for all and increasing diversification. ASU's new general counsel, Jose Cardenas, describes Crow by saying, "He doesn't tolerate discrimination and he pushes for diversity, and he will go to the mat for that." Cardenas, one of the most highly acclaimed Hispanic leaders in Arizona, left a 30-year career with the law firm Lewis and Roca to join ASU in January. "I wouldn't have gone to work for Dr. Crow if I thought he was someone who discriminates," he says.

Yet Crow left a disturbing trail of harassment and discrimination from his days at Columbia University, immediately before he was elevated to president of ASU. That legacy is costing Columbia plenty to this day. Just last year, it lost a major lawsuit filed by a Hispanic woman who is considered one of the world's top mathematician theorists. She says Crow destroyed her lab and 20 years of research in retaliation for her defiance.

Sometimes a picture is nothing but a blur when you look at one item here and there - much like standing close to a Monet and seeing nothing but strokes of color. But stand back, sometimes way back, and only then can you see the real picture on that canvas. Some say that's what it's like when you look at the charges of discrimination at ASU.

Theresa Cameron says she didn't have any problems at ASU until Michael Crow replaced Lattie Coor as president in July 2002. Crow brought in many new deans and vice presidents, including one who would become Cameron's boss. She says she can trace her problems with Dean Reiter back to two events:

- The day in February 2004 when she alleged her \$53,000 salary was far too low. She wrote this to Dean Reiter when request-

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PHOTO BY ANDREW HUNT

Dr. Theresa Cameron says she was fired from ASU after making allegations of pay inequity and discrimination against a Korean colleague.



ing a raise: "As the only female tenured African-American faculty in the college, my salary is not commensurate with my education, experience, publications and other African-American female faculty at peer institutions and at ASU." It took Reiter until December 2005 to officially deny her request for a salary adjustment.

• The day in October 2005 when she signed a 10-page declaration spelling out how her department had discriminated against a Korean colleague named Joocul Kim. She admits it took her a long time to "come clean" about the mistreatment of Dr. Kim, acknowledging that she joined in the discrimination at first by voting against him at the urging and "intimidation" of her colleagues.

Until those two events, she says, she was an acclaimed and respected professor, and her academic record bears that out. She admits she wasn't thinking either occurrence might end her career but says that, in the end, she doesn't regret speaking out. She says she felt it was her duty to other women in academia to fight for pay equity and her responsibility as a person of color to be honest about discrimination, believing her treasured tenure status would protect her right to speak out without retaliation.

She isn't alone in noting that ASU, like most universities in the country, is guilty of pay inequities, regardless of federal and state laws that demand equal pay for equal work. In fact, not long after she first complained about her salary, a national report proved her point. A 2005 study by the American Association of University Professors said that, on the whole, female professors made about 80 percent of their male counterparts' salaries. The study then examined the inequity picture today (see sidebar, page 165).

As an associate professor at ASU, Cameron made \$4,000 below the average of her fellow females and \$11,000 below the average of men at the same rank. Yet she says she felt Dean Reiter never took her complaints of pay inequity seriously.

She says she also felt the Kim affair made things even worse for her. She says she feels guilty to this day that it took her so long to muster the "courage and integrity" to speak up. She possessed neither when Dr. Kim came up for promotion review in 2000 and 2002, saying she was intimidated and threatened to vote against him by professors who were intent on not letting him move up. "I would like to undo the harm that I caused to Professor Kim," she wrote, and then charged outright racism: "The two review processes involved strong biases of certain individuals including racism and bias against Korean scholarship.... Professor Kim was done before he even left the gate. I am absolutely certain that Professor Kim did not receive a fair review."

She wasn't the only one. At least two white colleagues believed the same thing: Associate Professor Ruth Yabes said in her declaration to the court that she felt that some members of the review team were "so biased against Dr. Kim, I could have done nothing to change their minds," and she worried that "If you cross them, you will pay along the way." Associate Professor Edward Cook said in his declaration that he refused to participate because he did not want to be part of "what I considered to be a predetermined and biased decision on Professor Kim."

ASU maintains it did not find Dr. Kim, who was already a tenured professor, up to its standards of scholarship for a full professorship and did nothing wrong in denying him a promotion. Supporters counter that ASU dismissed his scholarship because it focused on Asia, as though that were inferior to European scholarship. They note he has been published widely in top-tier journals, published what is considered the most important English language book on the history of planning policies in Korea, and writes in English, Korean and Chinese.

Kim eventually sued ASU, charging racial discrimination. Cameron testified during the trial, but a jury ruled in favor of the uni-

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versity in May. It said it did not find that Kim had "proven by a preponderance of the evidence" that he'd been discriminated against, nor that a "motivating factor" in ASU's decision against him was related to his race or national origin.

Kim's attorneys have filed for a new trial, saying they were "stunned" by the verdict.

They, too, tie Cameron's problems to Kim. "He's the reason she's getting screwed," says Kim's attorney William Hobson. "She never had a problem until she did the right thing and gave us a declaration that she believed he was a victim of discrimination.

"I feel badly. When I learned she was willing to do an affidavit for Dr. Kim, I thought, 'Fine, that's protected - she's tenured and they can't do anything to her,' but they did. They destroyed her."

Cameron took medical leave for the 2004 school year. "I was profoundly depressed," she says, but she controlled it with prescribed medication and returned to teaching in March 2005. "When I came back, they gave me courses I was ill-prepared to teach," she tells *PHOENIX* magazine. "I requested a teaching assistant, and they wouldn't give me one. I requested morning classes because the medication left me fatigued and I got wearier as the day wore on, but they gave me evening classes."

All these are "accommodations" allowed under the Americans with Disabilities Act, but she says every one of her requests was denied. She says Dean Reiter acted as though her medical problems weren't covered under the law, although her attorneys maintain they clearly are.

To make matters worse, she spent February 2007 in the hospital after suffering a heart attack. She says she was too afraid to ask for any accommodations when she went back to work in March because she "knew they'd say no."

"They were doing everything they could to be sure she couldn't



succeed," her attorney contends.

In addition to that, Daniel L. Bonnett charges they were looking for any misconduct or infraction of the rules that would give them "cause" to fire her. As proof of their efforts, Bonnett has submitted to the court an e-mail dated March 6, 2007, from an associate to Dean Reiter: "BINGO! We have a smoking gun," the subject line of the e-mail read.

On April 10, 2007, Dean Reiter used that "smoking gun" to recommend Cameron be fired for "cause." This news apparently was shared almost immediately with President Crow, because on April 15, Dean Reiter sent an e-mail saying he had seen Crow the previous evening and the university president asked if Cameron "had been moved out of her office yet."

The next day, Cameron sent a notice to President Crow that she was appealing Dean Reiter's recommendation of dismissal. An appeal of dismissal, especially for a tenured professor, is guaranteed under rules and policies established by the Arizona Board of Regents. On April 20, Dean Reiter sent an e-mail to colleagues inside the College of Planning saying there was "no chance" Cameron "will teach in Planning again."

It wasn't until September 7 that Crow issued a "notice of dismissal" for Cameron. It would take seven months before she got a hearing on her appeal before the Committee on Academic Freedom and Tenure – seven months before she could even address the so-called "smoking gun" that got her fired.

In the spring of 2008, this committee of university professors held 14 hours of hearings over two days to hear both sides present their evidence in the case of Theresa Cameron. By then, the university brought three charges against her. One charged she'd violated university policy in obtaining student evaluations, yet students tes-

tified it was done correctly. Another charged she'd "retaliated" against a student, yet that student didn't show up to testify and others said it had been misrepresented. The committee found there was no basis for those two charges.

As for the "smoking gun" charge, they found that, yes, she had committed the offense, but it was hardly serious enough to justify the dismissal of a tenured professor. They argued that the punishment must fit the crime, and in this case, firing her was too severe a punishment.

They didn't quite call the "smoking gun" charge silly, but that's how most academics see it. And that's exactly how at least one nationally known ethics expert labels it.

Theresa Cameron was fired from ASU for plagiarism. That sounds really bad, because the very word conveys horror for anyone accused. Plagiarism – the act of stealing someone else's words or ideas and passing them off as your own – equates to treachery and dishonesty. It is a very serious offense, and it certainly can ruin the career of any academic.

But Theresa Cameron wasn't accused of copying someone else's words for a journal article. She wasn't accused of stealing someone else's work in a book published to advance her

career. She was accused of plagiarism for copying someone else's syllabus – an internal lesson plan that is nothing more than a map of how a course will be taught.

In fact, she copied several syllabi and never denied it. But Crow called her behavior "egregious."

Yet, most people in academia just laugh when they're told a professor lost her job for copying a syllabus, or that a university would consider such a thing to be "plagiarism" in the first place. Those who don't laugh can't believe it, because, as one noted expert says, it is impossible to find any syllabus that doesn't take from someone else's previous work. Unless you are creating a new course, you are undoubtedly borrowing from its past teachers. It is not uncommon for colleagues to share their syllabi, and there are even Websites where syllabi are made available for anyone to copy. Nobody bothers to claim credit as the original creator of a syllabus because that generally is not seen as an academic achievement.

The absurdity of this charge was underscored by the expert whom Theresa Cameron tried to call on to plead her case before the academic committee. Although the committee wouldn't allow him to testify, stating they understood plagiarism enough to rule without his testimony (an omission she is fighting in court), he did submit a statement on this issue.

Dr. Daniel E. Wueste is the director of the Robert J. Rutland Institute for Ethics at Clemson University, which houses the Center for Academic Integrity. Things like plagiarism and academic honesty are the meat of his career.

Not everything that's copied is plagiarism, Wueste says. And to make his case, he points out that Crow plagiarized the dismissal letter he sent to Cameron.

"Although President Crow signed the Notice of Dismissal, I have no hesitancy in saying that he did not write it," Wueste says. He

points out that the document is filled with legalese probably written by the university's lawyer, but also has several errors in grammar, spelling and word usage that you wouldn't expect from a university president. (In fact, he gibes, those kinds of mistakes are exactly the red flags professors are taught to look for in detecting plagiarism.)

It turns out, he adds, there's even a phrase for just such a document as this notice of dismissal – it's called “institutional plagiarism” – but no one ever suffers for it because it is an acceptable form of copying someone else's work.

It's a far different situation, he notes, from “competitive plagiarism,” which is forging someone else's work to gain “undue credit in a competitive intellectual endeavor.” This is the one that counts, he says, because this is the one that speaks to integrity and honesty.

Crow wasn't guilty of “competitive plagiarism” when he signed a dismissal letter someone else clearly wrote, Wueste argues, and neither was Cameron when she copied a syllabus.

“A syllabus is... a map of a course of study,” he writes. “Providing such a map to students is part of the business that needs to be done in teaching a course. It is clearly not a significant factor in one's advancement within the academic community.” Anything that is significant to an academic's advancement is featured prominently on the professor's résumé, or curriculum vitae.

To make the point clear, you would find on a résumé lists of every article, book chapter or professional presentation that shows how that professor is advancing, but it would be a “fool's errand” to search any academic résumé for a list of syllabi, he says.

And then he pokes a finger in ASU's eyes: “It clearly would be plagiarism if a professor were to publish under his own name, and without acknowledgement, the work of one of his graduate students,” Wueste notes, citing an embarrassing ASU case from 2004.

That year, graduate student Dwayne Kirk charged that a prominent biology professor “lifted whole paragraphs of my work and represented it as his own” for a book.

The charge was made against Professor Charles J. Arntzen, a member of President Bush's Council on Science and Technology. Arntzen eventually acknowledged the copying and, according to a 2005 article in *The Chronicle of Higher Education*, contacted the editor of the book after it was published and asked him to add Kirk's name to the credits to help make things right.

But Kirk told the *Chronicle* it was he who first called the editor and that Arntzen agreed to the change only after the editor became aware of the problem. The *Chronicle* pointed out, “The editor of the book, Ciro A. de Quadros, backs up Mr. Kirk's version of events.”

Eventually, President Crow launched an investigation that supported “a finding of plagiarism.” Yet Arntzen is still a Regents Professor at ASU. Attorney Cardenas says the university has no comment on the Arntzen case, nor would he comment on the comparison it makes with Theresa Cameron – that a white male professor clearly plagiarizes a book chapter and keeps his job; a black female professor copies a syllabus and loses her job.

Wueste said in his statement that you can't ignore that comparison or what it says about ASU: “If Professor Arntzen's plagiarism was not a ‘hanging offense,’ I can't see how ASU can treat Dr. Cameron's offense as if it were one.”

Ironically, that was the exact conclusion reached by the Committee on Academic Freedom and Tenure after 14 hours of testimony. It found that this was not a “hanging offense” and recommended that Cameron be reinstated to her position at ASU.

But Crow overturned their decision, and his statement left no doubt about the seriousness of plagiarizing a syllabus.

“Dr. Cameron's conduct violates the very basic and essential responsibilities of her position as a tenured faculty member in regard to teaching and students, scholarship, colleagues, and the



University,” he wrote in overturning the Academic Committee's recommendation. “Dr. Cameron failed: (1) to demonstrate intellectual honesty, (2) to foster honest academic conduct, (3) to use the creative achievements of colleagues with appropriate consultation and credit, and (4) to adhere to University policies and regulations. Dr. Cameron's repeated conduct is egregious.”

Cameron sued ASU in both state and federal court to get her job and her reputation back. The cases are still pending. Cardenas, who represents the university and all individuals named in the suit, says he cannot comment on the specifics of a case in litigation but maintains, “We don't tolerate discrimination on any basis.”

When Cameron's suit was filed in August 2008, the local media wrote stories about her allegations of discrimination. News reports noted ASU had issued a statement “vowing to vigorously defend against the lawsuit” and saying her “incendiary allegations” were an effort to obscure the real issue of “academic dishonesty.” Then they quoted from ASU's statement:

“After an exhaustive administrative process, including two days of testimony in a hearing conducted by a faculty panel, the University concluded that Dr. Cameron had violated Arizona Board of Regents and ASU rules mandating intellectual honesty. The hearing board found that Dr. Cameron had committed multiple acts of plagiarism. Academic and intellectual integrity are core University values and they must be observed by all members of the University community.”

The executive offices of Michael Crow are located in the Fulton Center on University Drive, just across from ASU's main campus in Tempe.



WHEN CAMERON'S SUIT WAS FILED IN AUGUST 2008... NEWS REPORTS NOTED ASU HAD ISSUED A STATEMENT "VOWING TO VIGOROUSLY DEFEND AGAINST THE LAWSUIT" AND SAYING HER "INCENDIARY ALLEGATIONS" WERE AN EFFORT TO OBSCURE THE REAL ISSUE OF "ACADEMIC DISHONESTY."

Cameron's attorney contends that statement suffers from sins of omission and paints a picture of her that is less than accurate: Nowhere does it distinguish her syllabus copying from real plagiarism; nowhere does it mention that the committee initially recommended Cameron keep her job; nowhere does it note that it was Crow who overturned the committee's ruling.

And it leads Bonnett, her attorney, to ask, "If this was such a shock to the conscience of the university, where was the follow-through? Shouldn't other professors be warned they can't copy [a] syllabus?"

Oscar Tillman of the Arizona chapter of the National Association for the Advancement of Colored People says he finds lots of reasons to question Cameron's dismissal. "I've been battling the problem of discrimination at ASU for years, even before Crow," he says.

Tillman says he personally went to Crow several times, asking him to reconsider his decision to fire Cameron, letting it be known he'd sit in at Cameron's hearing. "I was the only outsider at the hearing. Everyone else was part of the system, and yet there was an armed guard at the door," he recalls.

He saw it as a sign that they expected trouble from him, so he left the meeting to find Crow to protest. He says he ran into the university president on a campus walkway and asked him, "What do you think I'll do at the hearing? Do you know what it feels like to have armed guards watching you?" He says Crow told him it was a "miscue," and the guards were pulled. That further convinced him the guards were there because he was there. "If it was standard procedure to have guards at these hearings, they wouldn't have

been pulled when I protested," he says. He says he still sees the incident as a sign that something is very wrong at ASU.

"If you have prejudices in the culture, it's there in academia, too," he says. And he was startled by Crow's reaction to the committee's recommendation that Cameron keep her job. He says Crow was "livid" that her peers didn't vote to throw her out. "Crow was like, how dare you?" Tillman remembers. "His response was out of this world."

Tillman says he has a special affection for Cameron because she has overcome so much to achieve so much. "To make it through the foster care system as a black female, you're doomed from the beginning, but she didn't give up. She did not let the world tell her she was nobody," he says.

He finds Cameron to be such an inspiration that he's taken his church youth group to ASU to hear her speak. "These are inner-city kids, and she can tell them her story, and they can see that no matter how tough you think you've got it, it's not as tough as she had it, and she made it. But we can't say that if she's not there."

Tillman, who has often been a lightning rod for his outspoken views on racism, says he detects a culture at ASU "that doesn't believe blacks can excel in certain areas." He says that dooms anyone of color trying to make it in a tough academic field. "If somebody does not believe you can do it, you don't have a chance," he says.

He says there are signs of hope, however. After a meeting with Crow, the NAACP got a letter on April 8 pledging more collaborative efforts. "ASU is committed to fostering robust relationships with community stakeholders in order to strengthen its service to the people of Arizona, and welcomes the chance to partner with the NAACP," Crow's letter said.

That letter does indeed jibe with Crow's public promotion of diversity as well as many colleagues' praise of him, which stand in stark contrast to the charges leveled at him by Cameron, Tillman and others.

In 2008, Crow won two major humanitarian awards: the Jerry J. Wisotski Torch of Liberty award from the Anti-Defamation League and the Whitney M. Young Jr. award from the Great Phoenix Urban League. At the Anti-Defamation League awards dinner last October, Crow said that ASU is “committed to access; committed to being a force for change in our world; committed to the kind of education that we need in our world to topple ignorance, to move our world forward.”

Cardenas says that those who paint a picture of Crow as having trouble working with minorities and women are off the mark: “That picture simply doesn’t match my own experiences and the facts as I know them,” he tells *PHOENIX* magazine. “I have served with Dr. Crow on various boards, and I have served for years on his Minority Advisory Council.” He adds he was sure that anyone who’d had this close contact would offer “strong support for Dr. Crow and a great appreciation for his commitment to diversity.”

“I’m happy to hear that, finally, [the media] will cover the issues of gender and racial discrimination that have been happening (and protected from public scrutiny) at ASU.”

Dr. Kathryn Milun started her e-mail to *PHOENIX* magazine with those words from her office at the University of Minnesota at Duluth, where she went to teach after being fired from ASU. The message came at a time when she was quite pleased with the second chapter of her ASU experience: The courts had just ruled against ASU, which had sought to summarily dismiss her sex-discrimination lawsuit. “This is a most difficult hurdle for any civil rights case, but the judge saw the evidence and ruled on ASU’s discrimination,” she wrote. “We will now go to trial. I am most eager to tell my story in court.”

Milun claims her “offense” was getting extensions to her “tenure clock” as she had three children, but then having ASU ignore those extensions and accuse her of being a lazy scholar. She says it was nothing more than old-fashioned sexism. She hopes her lawsuit will help other women who want to combine motherhood with a teaching career.

ASU counters that she was fired because she didn’t meet the standards of “excellence and the promise of continued excellence.” Cardenas, ASU’s general counsel, will only say that the university will “defend vigorously” its right to have fired Milun.

Milun earned her doctorate in comparative literature and culture studies from the University of Minnesota in 1993 while she was already teaching at Rice University. She was a newlywed and about to start a family, but she discovered Rice didn’t have a maternity policy at the time. So she pushed to create one during her pregnancy, and the new policy went into effect around the time her first son was born in 1994. That policy gave new parents time off and stopped the “tenure clock” – the time in which new professors have to prove themselves through publishing journal articles and books in their field. The typical tenure clock is six years, although it is often extended.

Milun had twins two years later, which again extended her tenure clock. But about the time she would have been up for tenure at Rice, her husband got a job at ASU, and she, too, was hired there in 2000. She was assigned to teach in two colleges, English and Justice Studies, giving her the special status of an “interdisciplinary” professor.

IN 2008, CROW WON TWO MAJOR HUMANITARIAN AWARDS. AT THE ANTI-DEFAMATION LEAGUE AWARDS DINNER LAST OCTOBER, CROW SAID THAT ASU IS “COMMITTED TO ACCESS; COMMITTED TO BEING A FORCE FOR CHANGE IN OUR WORLD; COMMITTED TO THE KIND OF EDUCATION THAT WE NEED IN OUR WORLD TO TOPPLE IGNORANCE.”

She began her ASU career with excellent reviews. Her second-year review included these glowing words from the Dean of the College of Liberal Arts and Sciences, David Young: “Both in the classroom and in her research, she pushes the bounds of knowledge and in so doing is a model of the new ASU faculty member.”

But in her fourth year at ASU, Young did a 180-degree turn and issued a contract to fire her, stating that she hadn’t gotten tenure in the 10 years since earning her Ph.D.


“It was a shock because there never had been any negative reviews, and he was inaccurate – referring to 10 years doesn’t reflect the extension of the tenure clock I got to have children,” she says in a phone interview. “This is a problem for many women in academia.”

She had felt confident it wouldn’t be a problem at ASU.

Of the 1,866 professors at ASU who either have tenure or are on the tenure track, 635, or 34 percent, are women. When Crow arrived in 2002, it was 31.7 percent. Minority women, ASU figures show, have grown by 2.3 percent in the same time period; today ASU has 153 minority women in the tenure picture, and they account for 8.2 percent of all tenured professors.

In addition, Milun had heard President Crow assure female professors that the tenure clock wasn’t a problem. At a February 13, 2003, meeting with the Commission on the Status of Women, Crow acknowledged that the normal six-year tenure clock seemed biased against women – adding he personally believed in an 11-year tenure clock – and that the six-year clock needed to be “flexible.”

Vice Provost Gail Hackett told Crow that a flexible policy already



ASU President Michael Crow speaks during his acceptance of the Anti-Defamation League's Jerry J. Wisotski Torch of Liberty award in October 2008.

"I received a conditional contract that asked for twice as much [publication work] to get tenure as in the guidelines," Milun says. Meanwhile, a male colleague who got a conditional contract at the same time was asked to produce half the publication requirements required of her.

The conditional contract demanded she publish five peer-reviewed articles and write two books within one year.

Although that level of production sounds absurd on its face, she came close to actually fulfilling it. While her "official file" made it sound as though she'd been skating and hadn't pursued scholarly work, that wasn't the case.

As she tried to point out to university officials, her expertise and teaching skills were being "squandered." She had been hired to teach film, cultural studies and theory, but was forced to teach introduction to English classes that she says were entirely outside her field. (Even so, a mentor assigned to work with her praised her teaching skills and told the dean she couldn't believe this professor's skills were being so wasted.)

"These unfortunate management decisions have cost me dearly," Milun argued to the dean. "It has meant taking time away from completing my manuscript this summer to take teaching workshops and prepare additional handouts on topics unrelated to my field."

Yet, in spite of those problems, she was in the process of finishing a 448-page book she'd begun before coming to ASU that she describes as "the major scholarly achievement of my career.... It will bring prestige and renown to ASU once it is published," she argued, noting she'd written more than 100 pages of the book and revised most of the manuscript while teaching at ASU.

She also was one of three authors on another book that was supported by a Ford Foundation grant. And a national

journal was considering one of her articles for a future book. She also had four scholarly articles under way. The amount of work she had done more than met the requirements of her department for tenure, she stresses, but the demands on her far exceeded the normal requirements.

She says she tried to ask Dean Young several times why they asked so much of her. "I tried many times to meet with him to ask him that question. I even engaged an ASU ombudsman to arrange a meeting for us to talk about this. Dean Young refused," she reports. "Why did Michael Crow, or the provost, whom I also appealed to, not take care of this obvious problem?"

But those assurances were ignored by Dean Young and, ultimately, by Crow himself. Milun says that when she fought back, telling her dean his position discriminated against women who took time to have children, the "terminal contract" became a "conditional contract": She could keep her job if she met his conditions.

She doesn't know, just as she doesn't understand how her rising career at ASU could so suddenly come to an end.

The Committee on Tenure recommended she be granted ten-

ure, considering the copious amount of work she had produced, but President Crow, who personally rules on tenure issues, overturned that decision. She didn't fulfill all the requirements of her conditional contract, he declared, and therefore didn't deserve tenure.

"I had a male colleague who also had a conditional contract," she says. "He did less than me and the tenure committee recommended he not be tenured, but he got tenure." She says the comparison speaks for itself.

As she sought another job - eventually moving with her children to Minnesota while her husband remains at ASU - she decided she had to fight back. The national Title VII law does not allow an employer to discriminate against women because of pregnancy, and ASU has a policy that prohibits discrimination against women, but she felt she'd been a victim of both.

Milun's first "win" was with the Equal Employment Opportunity Commission in December 2006. The federal agency that must agree before a civil rights complaint can even be filed in court determined there was "reasonable cause" to believe "that [ASU] denied [her] tenure and terminated her employment because of her sex, and in retaliation for complaining about employment discrimination."

The second "win" came in April, when the district court judge sided with Milun in allowing her case to go to trial. ASU had sought to throw the case out of court, claiming this was not a discrimination or retaliation case at all. ASU argued instead that Milun was "not a productive scholar at ASU" and "demonstrated neither excellence nor the promise of continued excellence at ASU."

As part of the case, her attorney deposed Dean Young, asking him why he didn't recognize the extensions to her tenure track because of her pregnancies. He said it didn't matter to him if someone had children or maternity leaves, he would have the same research expectations as any other person. Milun says she's stunned by that response. "That thinking undoes all 20th century policy to ensure that women are not discriminated against for having children in the workplace," she says.

She says she is waiting for the day she gets to say all of this in a courtroom.

"I want this to be a precedent-setting case for women in academia," she says. "And I'd like a personal apology for the incredible harm they've done to me and my career."

You can taste the venom over the entire 2,457 miles between New York and Phoenix as an esteemed Columbia University professor spits into the phone: "Mike Crow acts as if he is responsible to nobody, as if he's above the law. He's savage - he lacks any civilized constraint."

Dr. Graciela Chichilnisky has waited a long time to give her assessment of the man who heads ASU, and who she says destroyed her research and her laboratory out of spite and retaliation in 2000 when he was a provost at Columbia.

In June 2008, after a 10-day trial, she settled her lawsuit against Columbia over discrimination and retaliation, including Crow's action, for an undisclosed amount that insiders labeled as "large money."

Her story, a cause célèbre in academic circles, sounds like it comes out of the Middle Ages, certainly not from modern America or a contemporary American university.

Chichilnisky, who is originally from Argentina and has been a tenured professor at Columbia for 30 years - before the university even admitted female students - is the author of 13 books and some 200 scientific articles published in preeminent academic journals on economics, finance and mathematics. She was the UNESCO Professor of Mathematics and Economics at Columbia, authored the main feature of the Kyoto Protocol on climate change, was a lead



In 2008, Dr. Graciela Chichilnisky settled a lawsuit against Columbia University that alleged discrimination and retaliation and involved then vice provost Michael Crow.

writer on an Intergovernmental Panel on Climate Change that received the 2007 Nobel Prize, and has been named one of the most influential Hispanics in the United States by *Hispanic Business* magazine.

But despite her credentials and accomplishments, she has been the victim of gender discrimination and retaliation, according to two lawsuits she has won against Columbia.

In 1991, she discovered she was paid 30 percent less than her male colleagues and sued the university for illegal gender discrimination. While the suit was pending, in 1994 she founded a research program called PIR (the Program on Information and Resources) that helped transform the university's teaching and research agenda to reflect globalization. PIR attracted millions of dollars in grants from the United Nations, the National Science Foundation and the private sector.

In 1995, Chichilnisky won her pay inequity suit against Columbia, winning a \$500,000 settlement and equalization of her salary. The suit made her a hero to other women facing economic discrimination, an issue the American Association of University Professors calls "the most prominent problem in academia today."

She maintains that beating Columbia at its discrimination game made her a target for retaliation and reprisals, both of which grew remarkably worse once Crow was named vice provost in 1999. She says he froze her research funds and withheld payments to her and her staff - all designed to gut her program. PIR was placed under

"HE WAS TRYING TO GET RID OF ME, AND I RESISTED. HE WANTED TO DIMINISH MY ROLE, AND I FOUGHT BACK. MIKE CROW WENT WILD. HE HAS AN ANGER MANAGEMENT PROBLEM. IF HE'S CONFRONTED OR HIS AUTHORITY IS QUESTIONED, HE LASHES OUT, AND THAT'S WHAT HE DID TO ME."

— DR. GRACIELA CHICHILNISKY

the new Earth Institute headed by Dr. Peter Eisenberg, a vice provost, who found himself also battling Crow on behalf of Chichilnisky.

She says Crow erroneously told some of her funding foundations that she was ill and incapable of finishing her projects, jeopardizing or destroying millions in grants.

"He was trying to get rid of me, and I resisted," she tells *PHOENIX* magazine. "He wanted to diminish my role, and I fought back. Mike Crow went wild. He has an anger management problem. If he's confronted or his authority is questioned, he lashes out, and that's what he did to me."

In 2000, Crow instructed Dr. Eisenberg to close down Dr. Chichilnisky's offices or risk being fired. Eisenberg refused the order and resigned. Chichilnisky says she got a restraining order to prevent Crow from destroying her offices, "but that didn't stop him." Crow sent four movers to her office after hours and committed "violent vandalism." She arrived at work to find all her computers disconnected with backup records destroyed. She says the computers were "piled like pancakes" in the center of the offices. Then Crow changed the locks on her offices. "Can you imagine," she asks, "that anyone would do that? Mike Crow did it with a level of violence. He did it illegally. It was brutal. You don't destroy 20 years of research and millions of dollars in research grants."

All these things were told to the court in her successful lawsuit against Columbia. One of the people who helped her win the case was Eisenberg, who resigned as vice provost but remains at Columbia as a professor.

The underlying friction between Crow and Chichilnisky was "a classic case of male chauvinism in academia," Eisenberg tells *PHOENIX* magazine. He calls the destruction of her office "a very intemperate action" that was the result of a "toxic cocktail": Crow

wanted her out, and she wouldn't bend.

"Mike wanted her to stop behaving like an alpha male - it infuriated him, and he got frustrated and very angry," Eisenberg says. "She was unwilling to act as a victim." He notes that academia "rewards and protects aggressive males, but in her case, that same behavior was viewed as negative."

"Academia is a club," Chichilnisky says, "and if you rock the boat, you're ostracized. But Mike Crow wanted to destroy me. His male ego was hurt. He thought he could destroy me easily, but I fought back, and each time I won he got more angry."

New York media reports about her lawsuit said that the university's high-profile attorneys acknowledged she was "a brilliant woman" but tried to portray her as "a lousy employee" who wouldn't follow the rules.

But the American Association of University Women (AAUW) came to her defense and championed her cause. It posted an article to the AAUW Website stating, "If you are interested in learning about the glass ceiling in academia, how and why such a distinguished academic was so badly treated by her institution, why Columbia refused several millions of dollars for her research, why gender discrimination persists even among highly educated people, this case should prove enlightening."

The *Washington Informer*, a newspaper with an African-American perspective, wrote in 2006 as Chichilnisky was pursuing her lawsuit against Columbia: "In years to come, women around the country will respect and celebrate the struggle that she continues to fight today on behalf of women everywhere."

When *PHOENIX* magazine asked for comment or response from Crow regarding the Chichilnisky case, attorney Cardenas replied only that "Dr. Crow has no comment." Later, Terri Shafer, associate vice president in the office of public affairs at ASU, noted, "Michael Crow was not a principal in the Graciela Chichilnisky case at Columbia."

Chichilnisky notes her suit was against the university (it included several points of contention), "but Mike's name was spoken in the trial more than any other name," she says.

Patricia Sachs Catapano, associate general counsel of Columbia University, painted the case as a win for Columbia. "The University was able to achieve a very favorable settlement," she tells *PHOENIX* magazine. "Although the case was proceeding extremely well for the University, a decision was made to pay a relatively small amount of money to Chichilnisky compared to what she had been seeking... in order to avoid the continuing costs of litigation, as well as the risks of trial."

While she acknowledges that Eisenberg testified on behalf of Dr. Chichilnisky, she stresses: "But he confirmed that Columbia and Mike Crow had been supportive of... her research for several years, and only sought to remove her from leadership positions in the Earth Institute when many prominent scientists and other faculty members were complaining about her and threatening to leave the institute."

When that quote is read to Eisenberg over the phone, he laughs and says, "So that's their version of the truth?"

He reiterated that Columbia and Crow were out to destroy Chichilnisky because, according to him, she was an aggressive female who ticked off aggressive men. He calls her one of the "hardest working people at the institute - one of the most highly respected in her field, who had the most to contribute to the institute, but because male professors were calling behind the scenes saying she was too aggressive, they went after her."

He says her recently settled lawsuit should be seen in this light: "The judge was very clear that Columbia had done things wrong."

Chichilnisky says she hopes women at ASU fight back against

THERESA CAMERON IS STILL BATTLING DEPRESSION; HER HEART ISN'T VERY STRONG. SHE MAY NEED MORE SURGERY. SHE'S AFRAID OF LOSING THE HOME SHE SHARES WITH A FRIEND. "SOME DAYS I DETEST MYSELF. SOME DAYS I GIVE UP AND WANT THIS TO BE OVER," SHE SAYS.

discrimination, just as she has done. She says wages will never be equalized and advancement will never be fair unless women speak up. In fact, she worries that their silence will only make things worse. "I feel a lot of sympathy, and I'd like to do something for the women who are suffering under Mike Crow," she says.

Yet there is no doubt that many women are flourishing under Michael Crow's leadership. ASU has hired what Shafer calls "some of the strongest women in academia today," including Provost Elizabeth D. Capaldi (all three finalists for provost were women); Dean Deirdre Meldrum of the Ira A. Fulton School of Engineering and director of the Center for Ecogenomics; Debra Friedman, vice president and dean of the College of Public Programs; Elizabeth Langland, vice president and dean of the New College of Interdisciplinary Arts and Sciences; Lisa Love, vice president for athletics; Mari Koerner, dean of the College of Teacher Education and Leadership; and Sue Clark-Johnson, former publisher of *The Arizona Republic* and president of the newspaper division of Gannett, who has joined ASU as executive director of the Morrison Institute for Public Policy.

On top of that, Crow promoted Dr. Christine Wilkinson from vice president for Student Affairs to senior vice president and secretary of the university. She is the highest-ranking Asian-American official at ASU.

Provost Capaldi, who is ASU's chief academic officer, told *PHOENIX* magazine that "implementing our diversity plan is a deep, deep commitment."

She says that, being a woman in a field that has a history of pay inequity, she pays particular attention to evidence of bias. "I watch out for it," she says. "I watch out for support [given women and minority faculty] - graduate student help, space, the things that help you succeed. And I'm watching salaries very closely to assure that salaries for women match what men get."

She came to ASU from the State University of New York and found that "Arizona is less sexist than Buffalo - a group of 18 guys run Buffalo, and you couldn't get in." She underscores the point, "We have very strong women here."

These are big issues - discrimination, sexism, racism - that confront and confound society. But in the end, they're about individual people, individual lives.

"I've not been good," Theresa Cameron admits as she sits in her attorney's Downtown office last spring. She's very thin and speaks so softly, giving the impression of being painfully shy. She is still battling depression; her heart isn't very strong. She may need more surgery. She's afraid of losing the home she shares with a friend who's confined to a wheelchair; there's very little money left from her savings, and any new money coming in arrives in the form of spare change.

"Some days I detest myself. Some days I give up and want this to be over," she says. "I don't want to be seen as a person who doesn't have integrity." She wants her career back, she wants her good name back, and she wants her job back.

But the resolution of her lawsuit may be months away. In the meantime, she's just hanging on.

"Some days my life reminds me of being very young when I'd pick up tin cans and wire to sell," she says, and anyone reading her book knows it is just one of the painful memories she carries from childhood. In 2008 she published *Foster Care Odyssey: A Black Girl's Story*, which recounts her first 19 years.

In it, she recalls that being called "a ward of the state" made her feel "like a number on an assembly line." And like an assembly line, she was made to feel there was nothing special about her. "This is a memoir of my entire youth spent in a variety of foster homes in upstate New York," she writes. "Like most foster children, I had no choice with whom I lived or how long I would stay. Others controlled my life."

She can't look back at a childhood photo album, because none exists. "I have no childhood photos of myself," she writes. "Without a family, the normal documentation of a childhood never occurs." Nor do the normal celebrations. When she finally achieved what she once thought impossible - graduating from high school - she found the event hollow. "With no one to join me for my high school graduation, I declined to attend the ceremony," she says. "Seeing my classmates surrounded by their families would have made me sad, so I spent the evening at the movies munching on popcorn."

After graduation, she went to Boston with a small suitcase containing all she owned and spent the summer in a "black talent" program intended to prepare promising black students for college.

She showed such potential that she got grants and scholarships to get her through school, finally achieving what she barely dreamed possible - admission to Harvard University, where she earned a doctorate in design in 1991.

By then, she says, she dared dream that her days as a child picking up tin in the street were over. But now, she says, she finds they're back. "I thought I'd made improvements in life and didn't expect at 55 to be back to that," she says.

Attorney Bonnett underscores that point: "Dr. Cameron didn't get a Ph.D. from Harvard to be recycling aluminum cans."

But that's exactly what she does these days to bring in money. Even after her interview with *PHOENIX* magazine, Cameron was spotted lingering in the meeting room, gathering soda cans to place into her tote bag.

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Pay Dismay

WHEN IT COMES TO PAY EQUITY between men and women, at least one study shows that ASU barely gets a passing grade - and that the situation is only getting worse.

According to the American Association of University Professors, ASU is worse today than it was just four years ago when it comes to "equal pay for equal work."

In 2005, AAUP published its nationwide "inequities" review that looked at average pay at major universities. For ASU, it found this:

- **A male full professor averaged \$109,000, while a female full professor averaged \$97,000 - a \$12,000 difference.**

- **A male associate professor averaged \$74,000, while a female associate professor earned an average of \$67,000 - a \$7,000 difference.**

- **A male assistant professor made as much as a female associate professor, \$67,000, while a female assistant professor earned \$61,000 - a \$6,000 difference.**

In other words, the pay inequity grew as women advanced up the ladder to full professor.

In its 2009 study, the AAUP found similar comparisons with growing inequities. Its report on ASU says:

- **Associate male professors earn \$83,700, while females earn \$75,000 - an \$8,700 difference.**

- **Male professors earn an average of \$120,000, while females earn \$107,000 - a \$13,000 difference and a full \$2,000 below what male counterparts were making four years earlier.**

- **Assistant male professors earn \$74,000; females earn \$66,000 - an \$8,000 difference.**

ASU officials contend that such overviews don't tell an accurate story, and they provided *PHOENIX* magazine with average salary numbers for female and male professors in 19 major schools. They offered the breakdown as proof that they have equity in mind. Indeed, their numbers look better than the national study - in some cases, women are making higher salaries than men at the same level.

Overall, the breakdown shows 32 instances when women make less than men in the same position, and 23 times when men make less than women.

Two schools are close to equity, with women making within 95 percent of their male counterparts. One is the School of Applied Arts & Sciences; the other is the old School of Global Management and Leadership, which merged recently with the W.P. Carey School of Business because of legislative budget cuts.

Perhaps that merger will help equalize salaries in the business school, where overall, female professors make an average of 86 percent of their male counterparts.

ASU Provost Elizabeth D. Capaldi tells *PHOENIX* magazine she saw no pattern of pay discrimination at ASU but acknowledged that some fields seem to favor one sex over the other (nursing favors women, for instance). She adds that she is diligent in seeking pay equity. "I watch it very closely," she says.

— Jana Bommersbach