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Professor Pamela Smock Files a Lawsuit Against University of Michigan for Violation of Due Process and Free Speech Rights

FOR IMMEDIATE RELEASE

Ann Arbor, MI, February 12, 2018 – Professor Pamela Smock filed a lawsuit against the University of Michigan Board of Regents, University President Mark Schlissel, and LSA Dean Andrew Martin on February 2, 2018, alleging that the University violated Professor Smock’s constitutional rights by sanctioning her after she was cleared of creating a hostile work environment following a bogus Title IX investigation.

After Professor Smock raised suspicions that one of her graduate students may have committed academic misconduct, her graduate students made several false allegations against her regarding safety and harassment issues. Following investigations by campus safety and the University’s Office of Institutional Equity (OIE) under Title IX, Professor Smock was cleared of any wrong-doing. Nonetheless, Dean Martin sanctioned Professor Smock, including freezing her salary and prohibiting her from serving as the sole or primary advisor for doctoral students for at least the next three years.

In violation of Professor Smock’s Due Process rights, Dean Martin has refused to provide the basis of the sanctions, only generally referencing the OIE’s Title IX investigation report. He also failed to identify any University policy Professor Smock allegedly violated. Professor Smock has never been given the opportunity to question her accusers, and the University has refused to consider evidence challenging her accusers’ credibility.

Additionally, faculty members at the University have rights protected under the First Amendment to discuss ideas with graduate students. David Nacht, lead counsel for Professor Smock states, “the University brought a ridiculous investigation of sexual harassment that went on for a year. Even after it cleared Professor Smock, it still chose to punish her. This case illustrates the new McCarthyism on college campuses.”

Here, the OIE investigation discussed protected academic speech among an array of topics relating to families, fertility, childbearing, intimate relationships, sexuality, and gender. These topics are fundamental to Professor Smock's academic studies as well as her graduate students. By sanctioning Professor Smock for such academic speech, the University violated her right to Free Speech.

Finally, only after sanctioning Professor Smock, the University explained that she was being sanctioned under a University policy that gives the institution carte blanche to sanction faculty members for nearly any conduct. Such a policy is unconstitutionally overbroad and violates Professor Smock's right under the Constitution to be sanctioned under policies that apprise a person of reasonable intelligence of the nature of prohibited conduct.

Among other relief, Professor Smock's lawsuit seeks a court order reversing the sanctions imposed against her, removal of the OIE investigation and sanctions from her personnel file, lost wages, and emotional damages.

The matter was filed in the United States District Court for the Eastern District of Michigan and will be heard by Judge Arthur J. Tarnow.