

SWEPT UNDER THE PSU RUG - PART I¹

PSU Still A Hunting Ground: A Case Study in the Department of Chemical Engineering's Handling of a Title IX Case Post-Sandusky

By: April Hile (ERLennox)

RELEASE DATE: May 20th, 2019

On June 21st, 2016, a student disclosed that he/she had been a victim of sexual assault while enrolled at Penn State University. The student reached out to two chemical engineering faculty members and asked for the opportunity to make up coursework over the summer, stating this would enable him/ her to graduate and accept a pending position. Ultimately, both faculty members failed to report the disclosure to the Title IX office, the university's centralized office of sexual misconduct & response. The student was not given the opportunity to make up the coursework, thus failing to graduate. Without consent, the student's name was disclosed to 25 faculty members and 53 Penn State employees were made aware of the events in its aftermath. Months later, the Title IX office's (now former) attorney admitted that the case had been "botched". While not malicious in their intent, the faculty immediately involved in the case represent prevailing university culture. This is an issue that needs to be meaningfully addressed, as mandated by Title IX regulations, to create a truly safe environment in which student victims may come forward and be wholly supported. This case study of a student victim failed by the Department of chemical engineering also critically highlights a clear lack of leadership in those, that are endowed with the most trust to safeguard students' health and safety. Specifically, in the (more than) two year period since the student's disclosure, no corrective action to address this case or the implicit systemic issues has been taken--even when a faculty member has proposed that his failure be used as a teaching opportunity for others. Further, a Penn State employee that repeatedly raised concerns to multiple university offices about the Title IX mishandling and pervasive departmental culture was repeatedly ignored before being made ineligible for re-hire. In fact, on December 3rd, 2017, [the chemical engineering department head Phil Savage contended](#).

"The department has received no criticism or concerns from the Title IX office or any other office at PSU [Pennsylvania State University] regarding its handling of any issues related to sexual misconduct or Title IX cases. Assertions to the contrary are without merit."

¹ If hyperlink issue (e.g. wrong hyperlink, access privilege) discovered, please email amh5388+hyperlink@gmail.com.

SWEPT UNDER THE PSU RUG - PART I: PSU Still A Hunting Ground?

It took 1 courageous student victim to come forward, disclose, and ask for support. It took 6 Penn State employees to fail that student in less than 19 days. It has taken 53 Penn State current and former employees cumulatively aware of these events to continue to fail the culture for more than 2 years by ultimately doing nothing to change. [This video, posted February 27th, 2015](#), depicts University President Eric Barron accepting all of the recommendations proposed by the Sexual Assault Task Force. Barron states,

As a member of our community, I'm asking you to take on the weighty responsibility of educating others, reporting issues, preventing harm, and fostering a culture that prioritizes consent and respect... I'm setting our community on a path to create an environment in which sexual misconduct is unacceptable, reporting is encouraged, and survivors are supported to the fullest.

The case study herein evidences that this “weighty responsibility” is not something university leadership prioritizes in its own practices.

Howard Salis was the faculty member who assigned the student victim a failing grade, but by the victim’s own account, he/she stated, [“Yes I would try to talk to Dr \[sic\] Salis. I have done so before however with no avail”](#). Not only did Salis fail to respond to the victim initially, but he failed to file a report and defer to the Title IX office. Instead, while consulting on what steps should be taken, he (counterproductively) identified the student by name without consent to (at least) three faculty members: Christine Masters, [Themis Matsoukas, and Department Head Phillip Savage](#). The victim further provided [this account](#):

"A similar situation happened with me before , [sic] as Dr Salis did with the dept head, wherein the professor forwarded the query to multiple peepole, [sic] without asking if I was comfortable with it and that led to a major impat [sic] on me emotionally. The only reason I was trying not to reach out to so many people, [sic] was because I have a hard time talking about this particular situation."

Furthermore, Salis also later mistakenly expanded this to include the rest of the core chemical engineering faculty, another 24 faculty members, in a heated e-mail response to Wayne Curtis.

Wayne Curtis was the faculty member to whom the victim reached out once Salis did not respond to his/her initial attempts during the summer. Instead of initially going to the Title IX office (in a misguided attempt to safeguard the student’s privacy), Curtis aimed to support the student by facilitating his/her re-taking of the course over the summer, offering directly to Salis to provide a course assessment for the student who had disclosed without naming him/her. Using contextual information, Salis identified the student and refused to accept Curtis’ course

assessment of the student victim, providing a rationale for the failing grade by citing evidence of lack of attendance and participation. Curtis countered with an [attempt to incite compassion in Salis, stating](#)

“I am sure [he/she] 'earned' it... My inquiry remains the same: If there is reason to believe that [his/her] performance was affected by a situation, ... I would be inclined to look for an option that accommodates the student - not seek a uniform policy.”

Curtis waited for a number of days in hopes that compassion would surmount to no avail. Meanwhile, chemical engineering department head Savage refused to override Salis' refusal of Curtis' proposal to provide the student with a course assessment (Wayne Curtis, personal communication). Reportedly, neither Matsoukas, Savage, nor Masters reported the disclosure to Title IX or raised any further arguments to Salis in support of the victim. In a matter of days, without a resolution, the student victim ceased correspondence with Curtis, not responding to his [last e-mail to him/her on July 10th, 2016](#). While the student was failed by Penn State swiftly, the aftermath of this failure has ballooned over more than two years to include fifty-three Penn State employees yet still there is no departmental acknowledgement of a failure or any measures since instituted to prevent recurrence. This is not, however, for lack of effort.

On March 8th, 2017,² Dr. Curtis met with former Penn State Title IX Attorney Paul Apicella, who admitted that the case had been “botched” and said that Curtis' offer to provide course materials and a summer assessment would likely have been the path pursued (personal communication, Curtis). Citing this opinion and the many failures to support the student, Curtis submitted a [remediation proposal](#) that included generating an educational module saying,

Show that we have learned from past mistakes, that a greater degree of transparency is the key to obtaining positive outcomes, and preventing collateral damage of unresolved knowledge of the terrible impacts that these situations represent within the academic community.

Though this [remediation proposal was shared with the Provost and Office of the President](#) as well as the departmental faculty, nothing changed. Instead the [Provost Nick Jones said](#),

“I have looked into the concerns you have (re)raised, and determined that all either have been or are being actively investigated by various other groups (Office of Sexual Misconduct, Prevention and Response, Office of Ethics and

² The lag time between the student's last July (2016) correspondence and Dr. Curtis' meeting in March (2017) with Title IX attorney was because of a nightmare-ish scenario of relocating a laboratory that included a series of health & safety concerns (understatement), planned sabbatical, and calendar availability. This relocation is the subject of Part II of this series.

SWEPT UNDER THE PSU RUG - PART I: PSU Still A Hunting Ground?

Compliance, Office of General Counsel).”

Then, the Office of Ethics & Compliance’s [Director Regis Becker responded to Jones.](#)

We met yesterday (Anthony [Atchley], Katherine Allen, etc.) on this matter and went over a preliminary draft. We got some very good input that we are incorporating into the report. We hope to finalize it by week’s end and deliver it to the Dean [Justin Schwartz] (and Anthony [Atchley]) in the College of Engineering with a copy to you and the President [Eric Barron] if you feel that is appropriate. We further decided that, consistent with our practice, not to give a copy of the report to Dr. Curtis but instead meet with him and present our findings.

Meanwhile, on November 30th, 2017, the faculty held mixed opinions. Themis Matsoukas, one of the faculty members to whom Salis had consulted on the victim’s case without the student’s consent and who also did not report the disclosure to the Title IX office, [confessed his confusion with:](#)

I read your proposal and if I understand correctly, nobody — from IPAC [Industrial Partnership Advisory Committee] and the department head, to Human Resources, Title IX officer and the Office of the President and Provost — has endorsed it. Exactly what are you asking the faculty to do?

Then-faculty member, Angela Leuking, who since moved onto an Associate Deanship at the Missouri University of Science & Technology, [did respond in support saying.](#)

Perhaps we could suggest to those that mandate the "How to handle child abuse" training... to include "How to handle a report of sexual abuse" training. In my opinion, the latter is far more relevant to the type of issue a faculty might encounter.

[Howard Salis continued to exemplify his misconceptions](#) of the role faculty have in judging Title IX cases as well as with implication that there is a statute of limitations on providing support to victims saying,

It also considerably boggles my mind that Wayne [Curtis] has focused his efforts on changing the victim’s grade in my course whereas I would have expected that more attention would be focused on identifying & prosecuting the person who actually carried out the crime -- here, the crime happened before the student enrolled in my course.

Three days later, when Department Head [Phillip Savage offered his statement](#) "The department has received no criticism or concerns... Assertions to the contrary are without merit.", the following 53 people were aware (to varying extents) of the case and its failures:

- 28 college of engineering faculty (including department head), 26 of whom were faculty to whom Dr. Salis provided the student victim’s name without his / her consent i.e. [Christine Masters and the core chemical engineering faculty](#) less himself and Dr. Curtis

SWEPT UNDER THE PSU RUG - PART I: PSU Still A Hunting Ground?

- [10 salaried staff members](#), all of the chemical engineering staff members employed in October 2017
- [1 former wage payroll employee](#) [me], the course grader who was made available to provide course materials by Wayne Curtis
- 3 (former and current) Deans of the College of Engineering: [Dean Amr Elnashaj](#), now Vice Chancellor of Research & Technology Transfer at the University of Houston, Interim Dean, [Anthony Atchley](#), now the Senior Associate Dean in the College of Engineering, and current Dean Justin Schwartz
- 2 former Title IX employees: former Penn State Title IX Attorney, [Paul Apicella](#), who has since served as an attorney at the University of Virginia and now works for a [law firm in Philadelphia](#), and former Title IX Compliance Specialist [Katharina Mathic](#), who ceased work with Penn State in February of this 2018 (according to LinkedIn)
- 3 Human Resources personnel including [Rebecca Mason](#), now the college of engineering's Director of Human Resources, [Brian Naviglia](#), and [Lisa Lingle](#)
- [Nick Jones](#), Penn State's Executive Vice President & Provost
- [2 Office of Ethics & Compliance members](#): Regis Becker, the Director of University Ethics & Compliance, and Jeff Bowman
- [3 Penn State attorneys](#), Associate Counselors Michael Brignati, David Dulabon, & Katherine Allen

While none of the faculty were presumably malicious in their intent, their collective failure to appropriately support the student victim highlights the broader systemic failure by Penn State administration to fulfill its duty as mandated by Title IX to meaningfully and effectively engage the college community in preventative efforts. While only one case study is presented herein, the [College of Engineering 2016 ENGAGE climate survey](#) supports that this case is not an outlier and that cases are woefully underreported. Specifically, 1% of survey respondents reported unwanted sexual contact by another College of Engineering member but that 96% of these respondents did not report the incident. Even a faculty member who was assaulted was reported to have said, "[I did not want to tell the story to several people and have to confront the person](#)" (page 98). What continues to endanger victims is the current leadership at the departmental, college, and university level that refuses to acknowledge failures and even supersedes the faculty when they promote admitting to their own mistakes towards improving safety culture and preventing recurrence of student re-victimization.

For clarity, wrongdoing that should be acknowledged if sexual assault and domestic violence are, in fact, taken seriously include:

- Failing to report the disclosure to the Title IX office;
- Making decisions on measures of support that are solely within the jurisdiction of the Title IX office;
- Identifying students and disclosing their assault without their consent;

SWEPT UNDER THE PSU RUG - PART I: PSU Still A Hunting Ground?

- Recommending what the victim should or should not do;
- Recommending financial resources that the College of Engineering does not provide (i.e. tuition while making up coursework, counseling costs)
- Not believing / passing judgement on the victim (phrases like "[victim-in-question](#)")
- Implying a statute of limitations on providing support to student victims.

Admittedly, many of the so-called recommendations made for the victim were only (to the extent of my knowledge) part of an inter-faculty exchange and did not (necessarily) manifest in correspondence with the victim. However, the entitlement evident in taking away a victim's agency by telling him/her what he/she should do continues to make the student reporting environment fundamentally and systemically unsafe.

Another stem of Penn State's continued failure to create an environment where "[reporting is encouraged](#)" is evidenced by my experience--the collateral damage of Penn State not acknowledging wrongdoing. I am April Hile, who had served as Curtis' course grader. Curtis approached me to ask if I would be able to provide course lecture materials (i.e. digital notes synced with audio recordings I made for personal reference) to an unidentified victim of sexual assault. I also [provided resources](#) like the Title IX office, Centre County Women's Resource Center, and Project Callisto for Curtis to pass along to the student victim. I too, also wavered in reporting to the Title IX office. My rationale is apparent in my correspondences with the Title IX office. First, [on January 10th](#), I admitted,

"There's also a separate incident that I didn't feel comfortable reporting for fear that my lab (rather than just me) would suffer repercussions/backlash. I plan on having my PI [Principal Investigator] followup [sic] on the incident but we had to wait until we were less vulnerable to departmental politics."

With later correspondence [in February](#), I wrote,

"Re: separate incident [/] Now that my PI, Wayne Curtis, is back in town, I made sure that he followed up... since he was the one more directly involved and more knowledgeable on the incident."

While I also did not (immediately) report to the Title IX office, I was not entirely silent on the issue. On July 11th, 2016, the day after Curtis (unsuccessfully) reached out to the victim via e-mail. I sent a [department-wide email](#) and [brief powerpoint](#) that emphasized what is less apparent in the mandated reporter training instituted at Penn State in the wake of the Sandusky scandal: how to support victims who disclose sexual assault or domestic violence (SA/DV) that are not minors. This was sent for two purposes: first, in hopes to elicit a more compassionate and appropriate response from Salis in the same vein that Curtis had on [June 21st, 2016](#);

secondly, to provide more information and resources to faculty for prevention in the same vein that Curtis would propose months later throughout the university (e.g. [former Dean of the College of Engineering](#), [external Industrial Partnership Advisory Committee](#), [provost & president](#), [department](#)). The time that bore on without any consequences for those who did nothing nor any cultural improvements weighed on me heavily. In my aforementioned Title IX correspondences, [I confessed](#) “I have even gagged myself awake ruminating over the decisions made so cavalierly with regard to student welfare” as well as voicing concerns that I would be retaliated against, saying “Tenure while insular, however, doesn't grant full impunity. Specifically, I represent a vulnerability to be exploited for others who are antagonist towards our lab”. [In May 2017](#), the department head Phil Savage asked to meet with me to discuss my “workplace behavior”. Based Phil Savage's [memo](#) to Dr. Curtis later, my workplace behavior that needed to be addressed included “outbursts” and use of expletives. Admittedly, this observation corresponds with me in increasing frequency shouting things in frustration like, “well if someone in this department gave a <<expletive>> about rape victims”. In response to Savage's request to meet with me, I (stupidly in hindsight) reached out directly to the College of Engineering's Human Resources representative [Rebecca Mason on May 26th. emailing](#)

"I would like to request that if my workplace behavior needs to be addressed that it either be addressed in writing or that I have to meet with someone (e.g. HR personnel such as yourself) who does not have a history of condoning victim blaming of sexual assault victims which I find so.... categorically repulsive and morally bankrupt. If I am required to meet with Phillip Savage personally, then I request that an objective third party member be present and would prefer that the conversation be recorded with consent."

Three business days later, Rebecca Mason responded, ["I've requested that this matter be handled internal to the department. Your supervisor will contact you to discuss."](#) I immediately quipped back,

[I brought up concerns with Dr. Savage's pattern of \(1\) discriminatory practices and \(2\) neglect to fulfill Title IX duties. Your response is sto \[sic\] have Dr. Savage handle it internally. I can honestly write I am absolutely stunned.](#)

The [memo](#) that Phil sent on June 8th following their “time sensitive” meeting of a [“few minutes”](#) noted,

Since you are April's supervisor, I asked you to communicate with her the expectations below... then let me know when you have done so.

Dr. Curtis did not speak with me about this before catching a plane for travel to Romania and Kenya on June 10th nor via gChat while he was in Romania / Kenya. Thus, there is no such email. The day of Dr. Curtis' departure, I addressed the Title IX office again writing, [“could I](#)

[setup a brief appointment to follow up with the "separate incident"?](#), referencing my February correspondence on the mishandled Title IX case. I received no response. On June 21st, 2017--(poetically) exactly one year from when the student victim disclosed to Wayne Curtis--Rebecca Mason insisted on meeting with me. She notified me that I was being made ineligible for re-hire (completely unbeknownst to Wayne Curtis) while he was literally over the Atlantic on a plane traveling back from Kenya. This terminated my 4-year position on the DARPA Insect Allies project that I had been integral in helping CurtisLab and Penn State to obtain. The rationale provided to me (verbally) by Rebecca Mason was that I, quite ironically, represented a safety liability by working while not employed in June 2017--even though I assumed that I was functionally employed in the month of June under the 90-day pre-award clause of the project slated for award on July 1st. And, in fact, my assumption was validated by being retroactively paid for my work on the DARPA Insect Allies project in June 2017--even including for the ten minutes that I spent with Rebecca Mason being informed that I was made ineligible for re-hire. The impact of being made ineligible for Penn State jobs in nearly every county in the state also ensured that I would never see a Penn State full-time employee tuition discount.

[On February 22, 2016](#), Hamsa Fayed, a Schreyers Honors College student wrote a blog entitled "The Hunting Ground" as part of her participation in the Presidential Leadership Academy class, taught by University President Eric Barron. The blog title refers to the documentary of the same name that highlighted college campuses as a "hunting ground" for sexual predators. Notably, the the film features several "cameos" by Barron from his time at Florida State University when a [college football quarterback's career was prioritized over student sexual assault victims' safety and education](#). Barron neither attended or provided comment on the film when it was screened at the State College Theatre. [Fayed blogged](#).

Why are learning institutions protecting and contributing to the socialized culture of silence for abhorrent crimes? To protect the name and caliber of their institutions. [sic] To save face against morally [sic] and ethical wrongs due to the lack of proper reporting/investigation of sexual assaults. [sic] ... I shouldn't have to walk in to [sic] a meeting on Penn State Campus and listen to a story about a person whose sexual assault report was ignored to know that it exists. Not only was her reporting ignored but she was stalked and sought after by a law enforcement professional who made sure they stripped her of her scholarship, career aspirations, and jobs on/off campus.

I depicted just one case. But for this one case, how many more are there that go unreported? How many more are there that never reached the Title IX office because of some of these same

SWEPT UNDER THE PSU RUG - PART I: PSU Still A Hunting Ground?

faculty members because there has *still* yet to be any admission of wrongdoing or corrective action? How many more students won't report because they hear stories like this one? Or the one by Fayed? How many other faculty won't make the time or have the courage to "(re)raise" concerns of a mishandled Title IX case to university leadership? How many more of these will be swept under the rug?

I was [raised on Penn State](#), Nittany Lion football, Joe Paterno, all of it. And since coming (and going and coming back a couple of times) to Penn State, I still know how powerful the Nittany Lion and Penn State symbols--and yes, Joe Paterno's statue--are. I know that to most Penn Staters those symbols still mean integrity, responsibility, and community. That's why I'm writing this openly; because these symbols that mean so much to so many Penn Staters are being corrupted by a powerful few; Penn State values are not being upheld. And the responsibility thus falls to Penn Staters past, present, and future to speak out against those who erode these symbols, who corrupt the university's mission and values.

Penn State has become overrun with a liability-centric culture. Penn State won't take the first step of admitting wrongdoing towards promoting a safety culture because the powerful few running the university have now decided that admitting wrongdoing is a liability. Taking responsibility for one's actions--right or wrong--is NOT a liability. Responsibility is adulthood. Responsibility is the birthplace of growth and maturity. The role of a leader is not to hold a title, sit in the corner office, and show up to the groundbreaking ceremonies and press junkets. It's not to be competitive with or to maintain the status quo. The role of a leader is take responsibility for others while pursuing a greater vision.

If Penn State continues this pattern of sweeping things under the rug, refusing to admit wrongdoing, saying one thing in a press release but doing the complete opposite, it will be doomed to repeat scandals a la Sandusky over and over again. The university will be eroded like ['tonerheads' at Xerox PARC in the 80s and Apple before Jobs returned from NEXT](#). I'm writing this because I believe in Penn Staters and I don't ever want to have to utter the words Paterno did: "I wish I had done more".