



COLLEGE OF ARTS AND SCIENCES

INDIANA UNIVERSITY
Office of the Executive Dean
Bloomington

August 9, 2025

DRAFT v5.0

Sent via email to cdochert@iu.edu

Office of Vice Provost of Faculty and Academic Affairs

Carrie Docherty, Vice Provost of Faculty and Academic Affairs

Dear Vice Provost Docherty,

I write in response to SEA202 report #1162 regarding an anonymous complaint against Prof. Benjamin Robinson (Germanic Studies) submitted via the EthicsPoint portal in the category of Campus Climate. Note that the submission of the complaint was somewhat unusual, i.e., the case was initially filed anonymously with the Office of Institutional Equity (OIE, now Office of Civil Rights Compliance) as a Bias Incident Report on October 10, 2024. OIE stated that the submission to their office was beyond their purview. Given that it was an anonymous case, the author of the complaint could not be contacted to ask them to submit it via the EthicsPoint portal. Michael Jenson, AVP for Policy Compliance, submitted it as a SEA202 report on November 19, 2024.

The complaint indicated that it referred to behavior that took place in the classroom in the Fall 2024 semester, in-person, and alleges:

I am a student in this Professor's class. This Professor has repeatedly spoken against Indiana University on several occasions. It is clear to me that he doesn't not [sic] value this university. He has used class time to say that the university is restricting peoples free speech [sic]. He has talked about being arrested during class time several times. The first instance, him being arrested as [sic] a Pro-Palestine rally he has talked about on numerous occasions [sic]. The second occasion, 10/10/24 he talked about being arrested for trying to shut down the Israeli consulate. He talks negatively about the state of Israel and describes the war in untrue and unfair ways.

Consistent with Academic Appointee Responsibilities and Conduct Policy ([ACA-33](#)), I reviewed the complaint report followed by a meeting with Prof. Robinson on March 13, 2025. Given that Prof. Robinson did indeed teach a course in the Fall 2024 semester, a course taught in the German language: GER-G 334 *Introduction to German Thought and Culture*, and he acknowledges that the bias incident/SEA 202 report refers to this course, the complaint has standing with respect to the fact that the anonymous student was very likely a student in his course. Prof. Robinson does make further statements regarding the standing of this case, and these will be addressed later in this letter.

The College Policy Committee (CPC) spent a good fraction of the Fall 2024 semester composing the local College policy to respond to SEA202 complaints involving (core) College faculty. Following that College policy *Responding to SEA 202 Complaints Policy (2024)*, to determine the reviewer, in the March 13, 2025 meeting, the respondent was offered the option of review by the principal administrator or by the (College) Complaint Review Committee whose composition is determined by

the above policy. Prof. Robinson chose the former, i.e., that I as Executive Dean would carry out the review, and I agreed.

Following the procedures outlined in [ACA-33](#), I met with Prof. Robinson to discuss the report and asked him to provide a written response. He provided his written response on April 4, 2025 along with the syllabus of the course and the lesson plan from October 10, 2024 referred to by the student. I verified that both the syllabus and lesson plan indicated were from this course. Prof. Robinson's response is attached.

Note that Prof. Robinson included in his response examples of harassing material directed at him during the current 2024-25 academic year (at least up to the submission of his written report) "for understanding the context of the complaint." This individual was the target of sustained harassment and public vilification. He was named in a Council on American-Islamic Relations report labeling Indiana University a hostile campus, featured on a doxxing poster, and subjected to threatening social media posts. He received numerous pieces of anonymous hate mail containing personal attacks, antisemitic accusations, and intimidation, some demanding his resignation and making inflammatory claims about his political views. Additionally, organized letter-writing campaigns in the local press criticized his public statements his interactions with others at the university.

Also importantly note that these criticisms for which the sender were known were *not* from students in his classroom or from his actions in the classroom aside from the one anonymous SEA 202 complaint. Regardless, it is important to acknowledge that his concerns and stress placed on him from these external actions are significant.

Standing of the Complaint

Prof. Robinson objects to the situation that "*...the SEA 202 complaint brought against me is that such a high-stakes complaint originated as an anonymous bias incident report that held no implications for formal investigation or disciplinary action. The initial report was refiled, without consultation with the anonymous reporter, as an SEA 202 complaint.*" He further notes that, according to its own website, the Office of Institutional Equity (OIE) does not take disciplinary action. In his view, reclassifying the report as an SEA 202 complaint unfairly escalated the severity of the matter and the potential sanctions to such a degree that the case should no longer have standing.

The website for OIE does indicate that:

What We Don't Do:

- Take disciplinary action
- Conduct formal investigations
- Impinge on free speech rights and academic freedom

While these points are accurate, it is also true that the Office of Institutional Equity (OIE) forwards bias incidents or complaints to the appropriate academic units (e.g., the College), which, in accordance with university policy, must then conduct formal investigations and pursue disciplinary action under ACA-33. This process is logical: in cases of the most egregious bias incidents, there must be a clear pathway for investigation and, where warranted, sanctions for substantiated faculty misconduct. As such, a bias incident referred to an academic unit under ACA-33 can ultimately result in the same outcomes as an SEA 202 complaint processed under that policy.

It is also true that an anonymous reporter obviously cannot be consulted about whether they wish university action to be taken. However, in this instance, they did not indicate that action should not be taken and given the SEA 202 legislation and the content of the report, the university is obligated to file the case as an SEA 202 report. It would be irresponsible for the institution to ignore such a complaint/report.

Prof. Robinson is also concerned that a university administrator might take a student comment critical of a professor, for example, from an Online Course Questionnaire or RateMyProfessor, and reclassify it as an SEA 202 complaint, potentially triggering a formal investigation and severe sanctions for the instructor. OCQs and RateMyProfessor are intended and used solely as evaluative tools. They do not serve as formal mechanisms for reporting potential misconduct or lodging official complaints and therefore cannot be reclassified as formal complaints or reports.

Despite Prof. Robinson's objections, my judgement is that this case does have standing.

Evaluation of Complaint

Moving in order of what I believe are the less concerning parts of the student complaint to the more concerning ones:

I will address the student complaint in order of increasing concern, beginning with those that appear less serious and progressing to those that warrant greater attention:

1. Discussion of Israel and its war in Gaza: *"He talks negatively about the state of Israel and describes the war in untrue and unfair ways."*
2. Describing his personal experiences: *"He has talked about being arrested during class time several times. The first instance, him being arrested as a Pro-Palestine rally he has talked about on numerous occasions [sic]. The second occasion, 10/10/24 he talked about being arrested for trying to shut down the Israeli consulate."* (My emphases.)
3. Criticizing the university in class: *"This Professor has repeatedly spoken against Indiana University on several occasions. It is clear to me that he doesn't value this university [sic]. He has used class time to say that the university is restricting peoples free speech [sic]."* (My emphases.)

At the heart of this complaint, it seems to me, lies a conflation of personal life experiences, academic scholarship and pedagogical practice, which, to the complainant, appears to undermine the clarity of Prof. Robinson's role in the classroom. This blurring of roles compromises the integrity of the classroom environment and risks confusing or alienating students.

That said, I acknowledge Prof. Robinson's assertion that this course, as indicated in the syllabus and the nature of its discussions "specifically and intentionally addresses matters such as free speech, education, authority, state violence, and genocide."

Discussion of Israel and its war in Gaza

Given the nature of the course, presenting a viewpoint with which a student may disagree can foster valuable intellectual diversity and discussion. Characterizing the conflict in Gaza as genocide should not be inherently problematic, provided the instructor substantiates that viewpoint with credible references and evidence, as Prof. Robinson outlines in his report. Equally important is ensuring that

the students have the opportunity to express and engage with dissenting perspectives in a respectful and open classroom environment.

Describing his personal experiences

Prof. Robinson articulates his position that his “*pedagogy likewise relies on the classical rhetorical modes of ethos, pathos, and logos. Ethos is a central value to all my teaching. For Aristotle, ethos is an appeal to the authority or credibility of the presenter.*” Prof. Robinson’s assertion that his arrests enhance his authority and credibility as a presenter may be pedagogically defensible, particularly if they are relevant to the course material and framed within a context of civic engagement or scholarly activism. However, referencing these experiences ‘several’ or ‘numerous’ times risks shifting the focus away from the academic content and toward personal political narratives. When such references become excessive, they may inadvertently allow personal ideology to overshadow the intended learning objectives and compromise the neutrality expected in the classroom.

Criticism of the University

Given that the course explores authority and free speech as legitimate themes within German thought, referencing university restrictions on free speech can be a pedagogically valid choice. However, in my judgment, raising this point “repeatedly” and, as occurring “on several occasions” exceeds the boundaries outlined in SEA 202 and risks shifting the focus away from course objectives:

While performing teaching duties within the scope of the faculty member's employment, refrain from subjecting students to views and opinions concerning matters not related to the faculty member's academic discipline or assigned course of instruction.

In Prof. Robinson’s report, he quotes from SEA 202:

(c) In determining whether a faculty member has adequately met the criteria under subsection (a), the board of trustees of an institution may not consider the following actions by a faculty member:

- (1) Expressing dissent or engaging in research or public commentary on subjects.*
- (2) Criticizing the institution's leadership.*
- (3) Engaging in any political activity conducted outside the faculty member's teaching duties at the institution.*

All three criteria outlined in subsection (c) of SEA 202 appear to pertain to faculty behavior outside the classroom. Items (1) and (3) explicitly reference public expressions of dissent and political activity conducted beyond teaching duties, while item (2)—criticizing institutional leadership—is reasonably interpreted as referring to public or external commentary rather than in-class conduct. Therefore, it would be a violation of SEA 202 if an instructor were to begin each lecture with criticisms of the university, as this would constitute repeated in-class political expression. However, faculty members retain the full right to publicly criticize the university, whether through social media, op-eds, or other public forums, on any day and as frequently as they choose, provided such activity occurs outside the scope of their teaching responsibilities.

Conclusion and finding

Following a thorough review, I find that the totality of the student complaint constitutes a violation of SEA 202. While this is a matter of degree, it serves as a formal warning to Prof. Robinson to exercise greater care in ensuring that personal experiences and opinions do not unduly influence his pedagogy. In accordance with ACA-33, a common sanction is being issued in the form of this written warning, which we understand will be placed in his permanent personnel file. Please be advised that

any future violations of SEA 202 are subject to investigation. This complaint will be considered in any future faculty reviews.

Finally, faculty members and/or academic appointees adversely affected by administrative action taken against them for violating ACA-33, or whose rights under ACA-33 have been denied, have the right to request a campus Faculty Board of Review.

Sincerely,

Rick Van Kooten
Executive Dean, College of Arts and Sciences
Professor of Physics

cc: Prof. Ben Robinson, Germanic Studies