



**INDIANA UNIVERSITY**  
OFFICE OF THE VICE PROVOST FOR FACULTY AND  
ACADEMIC AFFAIRS  
Bloomington

February 26, 2021

Professor Eric Rasmusen  
2810 S. Dale Ct.  
Bloomington, IN 47401-2412  
Email: [erasmuse@indiana.edu](mailto:erasmuse@indiana.edu)

Notice of Decision

Dear Professor Rasmusen:

Pursuant to Indiana University's Sexual Misconduct Policy (Policy UA-03, <https://policies.iu.edu/policies/ua-03-discrimination-harassment-and-sexual-misconduct/sm-archived-08142020-accessible.pdf>),<sup>1</sup> I am writing to notify you (Respondent) of the following:

I have determined, based on a preponderance of the evidence, that you have engaged in behavior that violates the University's Sexual Misconduct Policy (UA-03), as well as the University's Non-Discrimination Policy (UA-01) <https://policies.iu.edu/policies/ua-01-equal-opportunity-affirmative-action/index.html>.<sup>2</sup> Both policies prohibit discriminatory behavior, including behavior that is sufficiently severe, persistent, or pervasive that it interferes with or limits an individual's access to education or work programs or activities, or that creates an intimidating, hostile or offensive work environment or academic experience. Numerous students and colleagues reported behavior that would have this effect.

I want to be clear that I come to this determination based on your conduct with students in your class and your conduct with colleagues in your department. Your viewpoints expressed on your personal website and elsewhere are relevant to your class conduct only to the extent that you have made them so, such as when you require students to visit your personal website for course materials. While you have the right to say and write what you want outside of class and the university, you do not have the right to treat students or colleagues in a derogatory or stereotypical manner when performing your roles as an employee of the university.

Specifically, I find that your in-class statements and interactions with students have created an

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<sup>1</sup> At the time the investigation began, UA-03 was referred to as the *Sexual Misconduct Policy*, and addressed sexual misconduct. It is now archived policy UA-03. The archived policy provides the process for addressing sexual misconduct, including allegations of sex-based discrimination and harassment. It was and remains the practice of OIE to apply the procedures for allegations of sexual misconduct against faculty where allegations include both sexual harassment as well as one or more other forms of discrimination and/or harassment based on another protected class, such as in this case. Therefore the procedures under Archived UA-03 guide this decision and any appeals.

<sup>2</sup> The OIE report also lists violations of student privacy. These and your subsequent violation of the privacy of those who participated in the investigation are egregious violations of the University's Code of Academic Ethics (ACA-33) <https://policies.iu.edu/policies/aca-33-code-academic-ethics/index.html> as well as other policies, and I have referred those violations to the Faculty Misconduct Review Committee. My decision outlined in this letter focuses solely on the violations of UA-01 and UA-03.

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environment where students reasonably perceive that you view certain individuals less favorably than others because of their gender, race or ethnicity, religion, sexual orientation, or other protected characteristics. For example, numerous students reported that you single out students in class, based on what you perceive as their national origin, race, or other statuses, that you make negative comments about those statuses, or use derogatory comments about certain groups, such as when you used a mocking pronunciation of the word “lawyer” with a derogatory, purportedly Asian sounding accent, or when you reportedly told a class that “Muslims are bad people but gays are worse. Gays are more likely to corrupt youth.” A student reported that you cold-called female students more than male students in class, and that you were more dismissive of female students than of male students when they gave an incorrect answer. Students also reported that when using an example of marriage in class you singled out only male-female pairs as examples for marriage, and when using women in class examples, you only describe them in positions where they are submissive to or dependent on men.

Materials on your personal website, which students have had to visit in order to access course materials, make it clear that that you feel that some groups are less qualified or worthy of respect than others. Views on your personal website are consistent with what students report hearing in class, making it unlikely that students are misinterpreting or mishearing your in-class comments. A wide range of student reports about your in-class conduct indicate that you have spoken in class about individuals based on their gender, race, ethnicity, sexual orientation and other protected characteristics in disparaging and discriminatory ways. These actions and others like them have created a hostile environment resulting in unequal access to education for students. In your response, you argue that students do not have to visit the homepage of your personal website because you give them the link to a specific part of your website devoted to course materials. This distinction is irrelevant; the fact remains that you have required students to visit your personal website to access course materials, and many students complained about having to do so because of the other material they encounter when navigating your website.

I also find that it is more likely than not that you have created an uncomfortable and unprofessional work environment for some faculty which has limited their ability to fully participate in, or benefit from, the academic workplace and departmental activities. For example, you made unprofessional and unwelcome comments to female faculty about their appearance and you introduced controversial, gender-related topics into workplace conversations. Doing so is particularly problematic for untenured faculty who, because of the power you have to affect employment decisions, do not feel able to engage verbally with you, to express their discomfort, or to indicate that the discussion is unwelcome.<sup>3</sup> Your comments in faculty meetings and elsewhere have led both male and female colleagues to conclude that you are biased against women, thus eroding your colleagues’ confidence in your ability to fairly evaluate their and others’ performance in hiring, merit review, tenure and promotion and other evaluative reviews of faculty.

The directives below are to ensure that students and colleagues will not be learning or working in a hostile environment. These directives include the following:

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<sup>3</sup> In your response to the report, you state “Some junior faculty are full of unreasonable fears, however much we seniors tell them that the big thing is their research output and their outside letters, not whether people in the department like them.” However, in your February 5, 2021 cover email when you sent me your response to the investigative report, you list eight steps warning me what might happen next if I don’t decide that you “have done nothing that merits rebuke, restriction, or punishment.” Point number 6 states “Consider putting numerous individual members of the IU faculty on the spot by asking them to take one side or the other. If they refuse to take a side, I will publish their names together with the fact that they refused.” Your willingness to consider publicly putting your colleagues “on the spot” suggests that your colleagues have good reason to fear your willingness to engage in retaliation against them.

1. Regardless of your personal opinions, you are required to treat all students with respect at all times and ensure that your classroom is a welcoming environment for all students. As stated in the Code of Academic Ethics, one of the specific duties as a teacher is to “strive to develop among students respect for others and their opinions by demonstrating his or her own respect for each student as an individual, regardless of age, color, disability, ethnicity, sex, gender identity, marital status, national origin, race, religion, sexual orientation, or veteran status.” Doing so requires that you do not speak about groups in stereotypical ways when giving examples in class or speak of them in derogatory ways. It also means not singling out students you perceive to be members of a particular ethnic, racial, religious, or other group or treating them differently in any way. If the University receives additional student complaints or evidence that you are not complying with the Code or other policies in class or when acting in any professorial role, we will consider additional sanctions to those listed here, up to and including possible termination of your employment.
2. Going forward, students taking your classes shall not be required or incentivized to visit any part of your personal website or social media sites as part of their course in order to locate your course materials.
3. The department and school shall continue to ensure that no student, graduate or undergraduate, is required to take a course from you in order to complete their degree requirements. Course assignments are the responsibility of the department chair and dean, but I am recommending to them that they not assign you to teach any courses that are degree requirements. If that is not possible, and you are assigned to teach a course that is required for the degree, the department and school shall ensure that students either have another section of the same course available that they can take from another instructor, or that they have the option to take an alternative course for their degree. If your assigned courses do not meet the school’s usual enrollment expectations, you may be assigned to teach alternative courses or duties in place of teaching. Such action would be consistent with the normal reassignment process used by the school in instances of low enrollment in classes.
4. The department and school shall continue to closely monitor all courses that you teach, including monitoring mechanisms currently in place such as blind grading and video recording. In addition, the department and school shall arrange for peer review at least once per semester for each class that you teach and arrange for an online midterm student evaluation for any courses you are teaching.
5. The department and school shall not assign you to any committees that involve evaluation of students, including award committees, qualifying exam committees, etc. Students may request your participation on committees if selection is at the sole discretion of the student, but no student shall ever again be required to have you on any selected or appointed committee that evaluates student progress in any way. The department and school may assign alternative service responsibilities to make up for the responsibilities prohibited by this and other directives in this letter.
6. The department and school shall also not assign you to any assigned committees that are tasked with evaluation of faculty, including assigned faculty hiring or recruitment committees, merit review, and faculty annual review. The classroom comments about women that your students have attributed to you as well as the comments and behavior reported by your colleagues (both female and male) establish that you do not treat females and others who may identify in other non-male groups an equal footing with males. You should thus recuse yourself from voting on any decisions that involve hiring or promotion and tenure. If you fail to recuse

yourself, subsequent faculty committees and administrators reviewing the departmental faculty vote should take into account the potential bias in that departmental vote and evaluate those decisions accordingly.

The University's Sexual Misconduct Policy allows you to appeal my finding of violation and the Level One Sanctions listed above directly to the appropriate Appellate Officer. Because you are a faculty member, the Appellate Officer would normally be the Provost. Provost Robel has recused herself from this case, so your Appellate Officer will be Executive Vice President John Applegate.

The two bases for appeal are:

1. Significant procedural error that reasonably would have affected the outcome;
2. Significant bias in the process;

An appeal must be filed within ten (10) calendar days of receipt of this decision letter. The appeal request must be received by the Vice President and should be emailed to Vice President Applegate ([jsapple@iu.edu](mailto:jsapple@iu.edu)). If Vice President Applegate upholds this decision, you may then request a review by the Faculty Board of Review based on the two bases listed above.

A full description of the Sexual Misconduct appeal procedures that will be used if you decide to appeal this decision can be found at <https://policies.iu.edu/policies/ua-03-discrimination-harassment-and-sexual-misconduct/sm-archived-08142020-accessible.pdf>. For information on Faculty Board of Review procedures, please see <https://vpfaa.indiana.edu/policies/bl-aca-d22-grievance-review-faculty/index.html>.

You are also, once again, instructed to not have contact with, and to make every effort to avoid interacting with, in any form, any students whom you think may have participated in this investigation. You are also instructed to avoid discussing any matters related to the investigation or your response with colleagues whom you think may have participated in this investigation. Also, under no circumstances should you engage in any form of behavior that could be considered retaliation against those whom you think may have participated in the investigation. Finally, it is imperative that you safeguard the privacy of those who participated in the investigation. Any release, at any time, of the confidential OIE Investigative Report or other materials that identify investigation witnesses or provide to anyone other than your legal advisor, continues to be strictly prohibited.

Sincerely,



Eliza K. Pavalko  
Vice Provost for Faculty and Academic Affairs

CC: Jeff Prince, Chair, Business Economics and Public Policy  
Idalene Kesner, Dean, Kelley School of Business  
John Applegate, Executive Vice President for University Academic Affairs  
Jennifer Kincaid, Senior Associate Director, Office of Institutional Equity