

4 March 2016

Board of Curators
314 University Hall
University of Missouri
Columbia, MO 65211-3020

Dear MU Board of Curators,

In response to your letter dated February 25, 2016, I am writing to appeal your decision to terminate my employment with the University of Missouri. I strongly disagree with your assessment that my conduct on October 10, 2015 and November 9, 2015 “was not compatible with University policies and did not meet expectations for a University faculty member.” In my participation and in my actions on both days I firmly believe I was exercising my protected rights as a United States citizen and a citizen of the State of Missouri. I steadfastly believe it would be a violation of my First Amendment rights and my rights to academic freedom to suggest that my interactions on either day provide grounds for the termination of my employment. Additionally, I believe that your decision to terminate my employment without due process in the form of a fair hearing by a faculty body violates my contract of employment with the University of Missouri, University policy, and basic standards of academic due process generally, a conclusion supported by the UM Intercampus Faculty Council, MU’s Faculty Council, and the American Association of University Professors. Finally, I believe that while the Board directed their hired investigator to interview the witnesses whose names I provided, the Board’s review of the investigator’s report unfairly disregards the testimony of those whose accounts offer an alternate version of the events on which you have judged me. For these reasons and more, I strongly encourage you to reconsider your decision to terminate my employment. Below, I outline some of my specific disagreements with your assessments of my actions and responses.

First, I believe that the Board’s assessment of my conduct at the Homecoming Parade on October 10, 2015 does not fully take into account that the Concerned Student 1950 protest quickly became a highly volatile situation while President Tim Wolfe remained in his convertible watching members of the crowd push and shove MU students. The Board concludes that it does not feel my “action to impede the parade’s progress on the public street was appropriate” yet President Wolfe could have diffused the situation by simply having the car pulled to the side and speaking with the students. There is, moreover, in your letter an assumption that “the parade’s progress” was a higher priority than addressing the concerns of a group of students with legitimate and important issues to discuss with University administrators. I reject that assumption, as I did by my actions at the parade. President Wolfe chose not to engage the students or to respond to the threatening behavior of the crowd members. As a community member disturbed by the crowd’s animosity, I stepped forward to offer my support to the students, along with other community members. I argue that my response to the police officer, who can be seen on camera shaking a can of pepper spray and shoving MU students and eventually me, was an appropriate response to his inappropriate push. My actions did not “threaten to make the situation more precarious.” I argue instead that my actions prevented an angry officer from taking further physical actions against MU students.

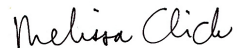
Next, I disagree with the Board's assessment of my conduct on Carnahan Quadrangle on November 9, 2015, and its conclusion that my conduct "was not consistent with University policies or the expectations of a University faculty member." Despite the MU administration's serious concerns about campus safety on November 9, 2015 (as revealed in Tim Wolfe's email released January 26, 2016), the University failed to take any steps to provide for safety that day. There were no police present – either campus police or Columbia police – and there were no administrators present who made any effort to control what was a volatile situation. In this context, the Board's expectations of behavior seem profoundly unfair. MU faculty, staff, and students present that day were thrust, without any authority or any training in crowd control and safety, into a dangerous and hostile situation with no support from MU administration. Contrary to the Board's belief that my actions "risked instigating a violent turn in the events that were happening," I argue that I did the best I could without training, and further assert that all actions taken were to maintain calm and to prevent the situation from spiraling out of control. I believe that whether the "rights" of Mr. Tai and Mr. Schierbecker were violated that day, in what was clearly an unstable and potentially dangerous situation, is a complex question that has not been thoughtfully explored by the Board or other member of the MU administration to date. The Board's decision to frame their response to the events on November 9, 2015 using only Mark Schierbecker's and Tim Tai's perspectives creates a narrative that excludes many important perspectives and facts. The 12-minute video recorded by Mark Schierbecker demonstrates I was not in fact calling for violence against him, and Columbia City Prosecutor Steve Richey's assertion on January 29, 2016 that he believes it is "appropriate" to defer and dismiss the misdemeanor assault charge filed against me underscores the fact that my actions were a response to a complex, uncertain, and threatening situation.

Additionally, I believe that the Board's suggestion that my responses to the investigator's questions about the Provost's letter of reprimand indicate that I "still do not appreciate the seriousness of [my] conduct" is completely unfounded. Four months of public scrutiny, thousands of angry, threatening emails, and the possibility of losing a job I have loved and excelled at for 12 years has certainly impressed upon me the seriousness of my conduct. I have repeatedly reached out to MU administration, from my Department Chair to the Chancellor's staff to ask for advice and I have taken every action suggested to me. I deeply respect the University of Missouri and have been very concerned about how all of the events that unfolded in Fall 2015 have impacted the university's reputation. My response to the investigator's questions about the letter is shaped by my belief that it was not fair for the Provost to write the letter without seeking my perspective, especially since her letter indicates that she had been speaking to "students, faculty, staff, alumni, and others" and reviewing Mr. Schierbecker's two videos. The letter felt particularly unexpected since I had been assured in a December 4, 2015 meeting with Senior Associate Provosts Pat Okker and Ken Dean that any disciplinary action that could be taken against me would be in the form of a faculty hearing. As is indicated in the investigator's brief summary of my response to his questions on February 12, 2016 (tab 34 in the report), I explained that I believe the wording of the letter is "harsh" because it does not reflect the instability of the scene on Carnahan Quad on November 9, 2015, and does not incorporate the perspectives of those present that day to offer their support to the MU students protesting. Please be assured that I do appreciate the seriousness of this situation. I can, however, maintain that appreciation while expecting the University of Missouri to treat me fairly, give me due process, and comply with the terms of the Rules and Regulations that govern my employment.

In closing, I want to say that the Board proposes to terminate my employment without providing me access to the procedures it approved and which are a term of my contract of employment with the University, and without Cause as defined in our Rules and Regulations. My participation in the process the Board has created here should not be construed as acquiescence to the appropriateness of this process. In submitting this appeal, I am not waiving any claims I may have arising out of or relating to my employment with the university, and am not in any way prejudicing any of my claims, which are expressly reserved. I believe that my rights have been violated and that the Board's conduct is illegal, but submit this "appeal" to assure that I have taken advantage of every opportunity to be heard.

To the extent that the Board's letter constitutes a Charge pursuant to 310.060 of the University's Academic Tenure Regulations, please consider this my request for a hearing before the appropriate Committee.

Sincerely,

A handwritten signature in cursive script that reads "Melissa Click".

Melissa A. Click, Ph.D.

CC: Interim Chancellor