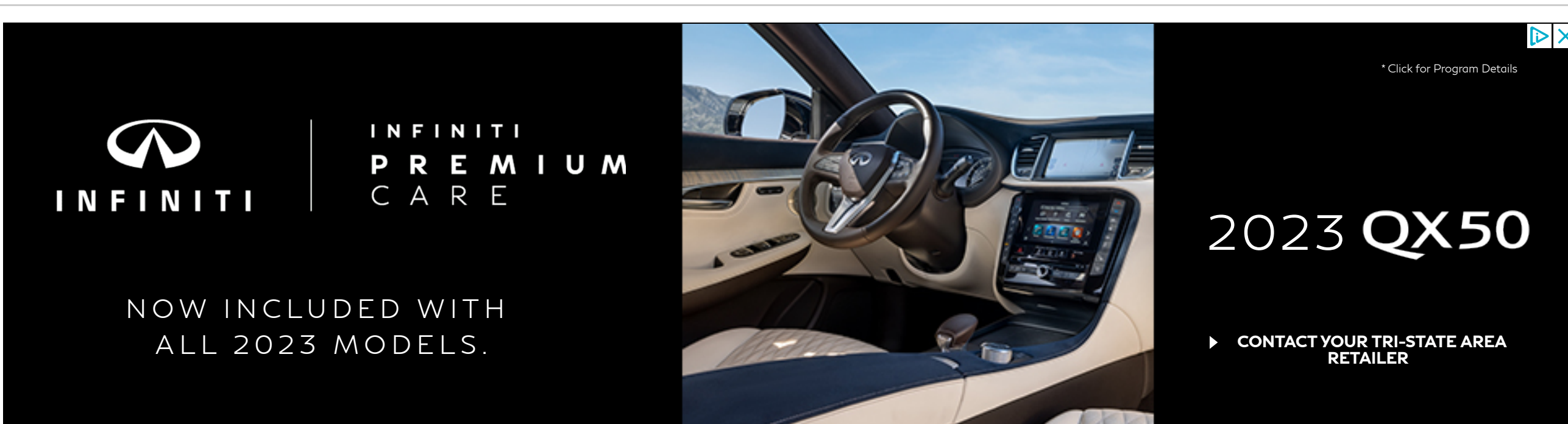


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## DEI Brings Kafka to My Law School

Ohio Northern University is trying to banish me for lack of 'collegiality' but won't say what I've done.

By Scott Gerber

May 9, 2023 at 12:34 pm ET



PHOTO: GETTY IMAGES

Ada, Ohio

Franz Kafka's "The Trial" tells the story of Josef K., a man arrested, prosecuted and killed by an inaccessible authority, with the nature of his crime revealed neither to him nor to the reader. I'm Josef K.

Around 1 p.m. on Friday, April 14, Ohio Northern University campus security officers entered my classroom with my students present and escorted me to the dean's office. Armed town police followed me down the hall. My students appeared shocked and frightened. I know I was. I was immediately barred from teaching, banished from campus, and told that if I didn't sign a separation agreement and release of claims by April 21, ONU would commence dismissal proceedings against me. The grounds: "Collegiality." The specifics: None.

Josef K. never learns what he's alleged to have done wrong. The offenses I've allegedly committed haven't been revealed to me, either. But I have an educated guess.

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Like many universities, ONU is aggressively pursuing "diversity, equity and inclusion" initiatives. I have objected publicly as vice chairman of the University Council, an elected faculty governance body, and in newspaper op-eds and on television, to DEI efforts that don't include viewpoint diversity and would lead to illegal discrimination in employment and admissions.

The same week I was led out of my classroom by police and campus security, I published an op-ed defending Justice Clarence Thomas's right to have friends—even rich ones. The week before that, I gave a TV interview in which I criticized DEI programs that discriminate against white men in the name of "racial and social justice" and for being indifferent to the type of diversity higher education should value most: viewpoint diversity. The week prior, I published op-eds in a national newspaper and an Ohio one making the same points.

I requested during a University Council meeting earlier this semester that ONU's DEI program address viewpoint diversity. The administration responded, brusquely, that viewpoint diversity is "not part of our diversity, belonging and inclusion plan."

While my opinions obviously ruffled some feathers on campus, I wasn't a pariah. My teaching evaluations are excellent, and my fall 2023 courses filled to capacity on the first day of registration this spring.

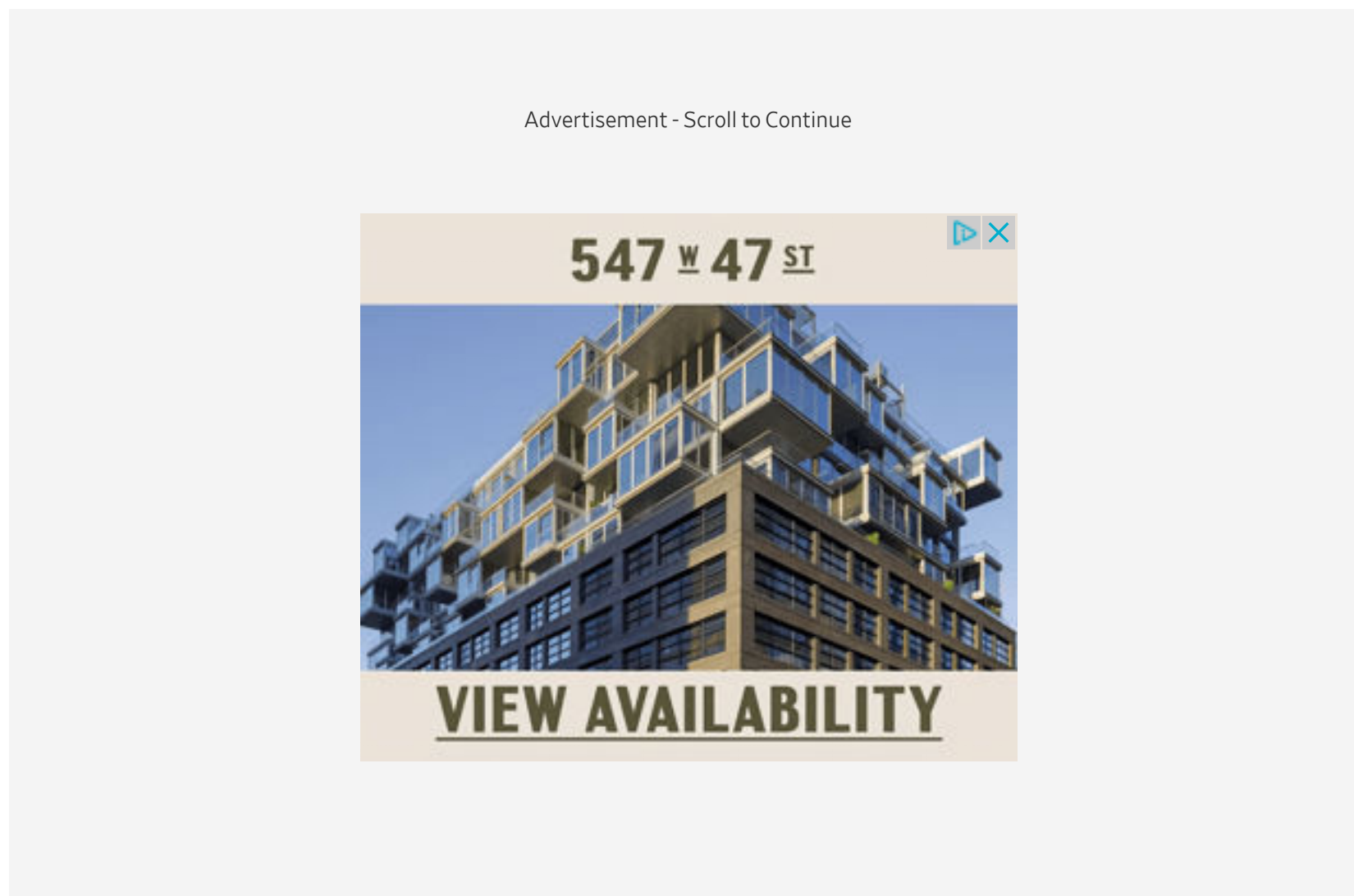
But this semester, for no apparent reason, ONU launched an "investigation" into me, without saying what it was about. My lawyers and I asked for specifics multiple times. ONU refused to provide them. Now, rather than level with me, ONU is demanding that I gamble the remainder of my career at a table where the administration holds all the cards. With my sudden free time, I rack my brain to think of rules I might have broken.

Perhaps decency is a sacrifice ONU is willing to make to grease the wheels of the DEI agenda. It looks like the law is, too. As my Academic Freedom Alliance-provided lawyer informed ONU, the attempt on April 14 to intimidate me into signing the release of claims with only a week's notice is an unambiguous violation of federal age-discrimination law, which requires that workers over 40 be given a minimum of 21 days to consider such offers. I'm 62.

Moreover, insufficient "collegiality" isn't listed as adequate cause in ONU's faculty handbook for dismissing a tenured faculty member. The American Association of University Professors notified ONU in an April 19 letter, and again on May 2, that "an absence of collegiality ought never, by itself, constitute a basis for nonreappointment, denial of tenure, or dismissal for cause." The university president informed AAUP that "ONU will not be providing a response."

All of this is happening during the most successful year of my professional life. In addition to my teaching, which students appear to love—and, more than anything else, I love teaching—one of the world's most prestigious university presses is publishing my 10th book this summer, and I was reappointed to the Ohio Advisory Committee to the U.S. Commission on Civil Rights. But as I learned as I was marched out of my classroom by men in uniform, dissenting from DEI can turn anyone into Josef K.

*Mr. Gerber is a law professor at Ohio Northern University.*



Journal Editorial Report: Evanston, Ill., tries to dilute advance-placement qualifications. Images: Taylor Glascock for The Wall Street Journal

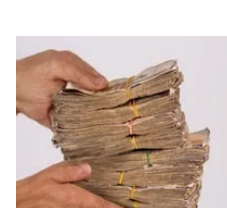
Appeared in the May 10, 2023, print edition as 'DEI Brings Kafka to My Law School'.

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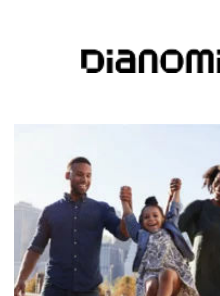
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