Midwest Political Science Association Council

Task force report (and related documents)
in response to charge of misconduct (received Feb. 11, 2019)

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Message from Sarah Binder (MPSA president, 2019-20)
November 2019

This past February, the MPSA Council received a charge of misconduct against certain current and past MPSA leaders with regards to their handling of allegations of misconduct against the former editor of the *AJPS* (Professor William Jacoby). The MPSA Council adopted a procedure for handling the complaint, appointed a task force to review the charges, and adopted findings and recommendations of the task force this past August. The final task force report (as amended by an ad hoc appeals committee) and all relevant documents are assembled here.

I want to highlight three lessons from this inquiry.

First, MPSA leaders must be transparent and accountable to its members and must consistently and clearly demonstrate their commitment to upholding and enforcing the highest standards of ethical behavior within the discipline. MPSA is currently implementing the several steps recommended by the task force towards those ends. This includes creation this past August of a Committee on Professional Ethics—a standing panel empowered to investigate and sanction professional misconduct—that was informed by recommendations in the *Journal of Women, Politics and Policy* issue on “Me too political science.”

Second, I want to personally apologize to the complainants who came forward with allegations against Prof. Jacoby. They believe the process resulted in a failure to publicly acknowledge the legitimacy of their complaints. I want to assure them that alongside MPSA Council members, I am committed to strengthening the process by which MPSA handles allegations of misconduct. The process should ensure that all involved are treated with respect and that all allegations are handled fairly, transparently and with dispatch.

Finally, I want to ensure MPSA members that we are fully committed to upholding the highest standards for respectful, professional norms and behavior and fostering an inclusive climate. MPSA takes sexual harassment—and those who report it—extremely seriously. Creating and sustaining an environment (including MPSA events, communications, and editorial processes) where persons alleging harassment, bias, and/or discrimination can voice their concerns without threat of recriminations or reprisals and where violations of professional misconduct will be sanctioned is central to our mission as a professional association. We are committed to strengthening how the association listens to, reviews, and acts on allegations of professional misconduct.

I am happy to discuss any of these issues at greater length.
To: MPSA Membership

Fr: Sarah Binder (MPSA president) and Gretchen Casper (Council Member, 2018-21)

Re: MPSA Task Force Report: Findings and recommendations regarding complaint of misconduct

Dt: September 8, 2019, as amended November 6, 2019, by the Ad Hoc Appeals Committee

BACKGROUND

On February 11, 2019, Complainant #1 filed a complaint with the Midwest Political Science Association (MPSA) Council. Complainant #1 alleged that the MPSA executive director (William Morgan), then president (Professor Elisabeth Gerber), then immediate past president (Professor Vincent Hutchings), and AJPS editorial board members under the previous AJPS editor, Professor William Jacoby, participated in a conspiracy with Professor Jacoby to defame and retaliate against Complainant #1 and Complainant #2 for filing complaints against Professor Jacoby in 2018 about inappropriate conduct. Under the then-operative MPSA Council Member’s Code of Conduct, the Council’s president-elect and two vice presidents appointed a task force of the Council to conduct an investigation of the complaint. ¹

Complainant #1’s letter caused MPSA to put its insurance carrier on notice of a possible claim as required under one of the MPSA’s insurance policies. This led the insurance carrier to engage attorneys from the law firm O’Hagan Meyer of Richmond, VA, to review the actions of the MPSA officers and AJPS board members identified in Complainant #1’s complaint. Under the MPSA’s insurance contract, MPSA officers are required to notify the insurance carrier as soon as they receive a potential claim. Failure of MPSA to report receipt of Complainant #1’s charges would have resulted in potentially losing coverage for any liability found relative to the charges. Once so informed, the insurance carrier selected the O’Hagan Meyer firm to investigate the claims made by Complainant #1 and inform MPSA and the insurance carrier of potential liability arising from Complainant #1’s claims. The O’Hagan Meyer report was neither a decision nor recommendation, but rather a reporting on their investigation and an assessment of the potential legal liability raised by those claims. O’Hagan Meyer provided an investigatory report on June 27, 2019 (and issued a final report with a non-material revision on August 8, 2019). The report is available to MPSA members.

The Task Force deliberated over the findings of the O’Hagan Meyer investigatory report on July 2, 2019, and emailed preliminary findings and recommendations (the Task Force Report) to each

¹ The Code of Conduct assigns the immediate past president, president, and president-elect responsibility for appointing a task force. However, because Complainant #1’s charge named the president and immediate past presidents as targets of the complaint and because the complaint did not name then president-elect (Sarah Binder), Professor Binder worked with the two most senior MPSA Council vice presidents to name a task force. Consistent with Recommendation #3 of this report, the MPSA Council has instituted a Committee on Professional Ethics to handle future complaints.
of the affected parties on July 30, 2019, inviting their responses to the investigatory and task force reports. Following the process adopted in April 2019 and described below, the affected parties were given fourteen calendar days (with a deadline of August 14, 2019) to provide a response to the draft Task Force report. Professors Hutchings and Gerber, as well as Executive Director Morgan, each responded to the task force report before August 14. Complainant #1 did not reply to the invitation to respond to the reports. The Task Force considered the responses received and generated a revised report on August 15, 2019, for consideration by the MPSA Council during its meeting in Washington, D.C. on August 30th, 2019.

**TASK FORCE MEMBERS**

Sarah Binder (MPSA president, 2019-20)
Gretchen Casper (MPSA Council, 2018-2021)

**PROCESS**

At the MPSA Council meeting in Chicago in April 2019, the Council adopted in executive session a resolution that created a process for handling Complainant #1’s complaint. The process established that the Task Force would review the O’Hagan Meyer investigatory report and would grant the parties the opportunity to review and provide feedback (within fourteen calendar days) regarding the Task Force’s preliminary decision about whether the Council had engaged in a conspiracy to defame as alleged. After reviewing any responses to the preliminary decision, the task force was charged with either affirming or modifying its preliminary finding.

Pursuant to the resolution, the task force drafted a revised report on its final decision and recommendations. The Council met on August 30th, 2019, to review and vote on the task force’s decision and recommendations. By majority vote, the Council adopted the recommendations in full (subject to revisions).

None of the parties who were named in the complaint (Professors Gerber, Hutchings, or Jacoby, or Will Morgan) were allowed to participate in any of the following actions: The Council’s adoption of the process for handling the complaint, the Council’s consideration of the Task Force report, the Council’s vote on whether or not to approve the Task Force report, or the Council’s decision to mandate changes to the Task Force report.

**TASK FORCE FINDINGS**

Complainant #1 charged that Professor Gerber, Professor Hutchings, and Executive Director Morgan conspired with Professor Jacoby and the former AJPS editorial board to defame and retaliate against Complainant #1 and Complainant #2 for filing complaints against Professor Jacoby in 2018 that alleged misconduct by Professor Jacoby prior to becoming editor of AJPS. Informed by the O’Hagan Meyer investigatory report, the task force makes the following findings:
1. The task force finds that Professor Jacoby abused his position as editor of *AJPS* (and thus as a member of the MPSA Council) by improperly using the journal’s public website to deny the sexual harassment accusations against him.

2. Based on the legal analysis detailed in the investigative report, the task force finds no evidence for Complainant #1 charge of a conspiracy between the Council and its officers, the *AJPS* editorial board, and Professor Jacoby to defame or retaliate.

3. The task force finds that no MPSA Council member or officer—including then President Gerber—viewed, consented to, approved of, nor ratified the text of the message that Professor Jacoby posted on the *AJPS* website that included his denial of the harassment allegations against him. We find that MPSA leadership did have knowledge that Professor Jacoby intended to issue *some* general public statement about his resignation. Professor Jacoby emailed Professor Gerber on April 11, 2018, that he intended to pare down a message he had emailed to the *AJPS* editorial board and post the modified message to the journal website. Professor Jacoby asked Professor Gerber whether she wanted to review the pared down post, and she declined. However, despite his indication that the message would be pared down, Professor Jacoby did not significantly revise the message. Instead, he posted a message to the *AJPS* website on April 17th that abused his power and moved MPSA leaders on April 18th to call for an emergency Council meeting on April 19th to dismiss him. (Professor Jacoby resigned effective immediately before the Council met that evening.)

The O’Hagan Meyer investigatory report (Finding 15, p. 11) suggests that MPSA leaders did not—but could and should have—taken a more proactive approach to monitoring any public statements by Professor Jacoby on the matter. However, as the investigators correctly acknowledge, Professor Gerber believed that based on MPSA’s institutional culture, MPSA leaders lacked authority to prohibit Professor Jacoby from communicating the circumstances of his resignation given the independent nature of the journal and its editorial process. (Moreover, MPSA leaders trusted that Professor Jacoby would exercise discretion and pare back his message as he stated that he intended.) The task force observes that neither MPSA by-laws nor long-established association norms explicitly provide such responsibility or authority to the MPSA president to authorize or prohibit communications made by the *AJPS* editor in his/her professional capacity. Nor has the MPSA Council, to the task force’s knowledge, ever given the MPSA president power to monitor and potentially censor such communications.

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The O’Hagan Meyer investigatory report states (p. 6) that “By this date, the Council was unanimous that Dr. Jacoby had abused his position as editor of the journal and had to be removed.” During the emergency Council meeting on April 19, 2018, the Council took one recorded roll call—voting unanimously to accept Professor Jacoby’s resignation.
In hindsight, the outcome might have been different had there been a precedent of MPSA oversight of the editor of the journal and his/her use of the website.

4. The Task Force finds that more robust communication—with the MPSA membership, Council, and affected parties—might have alleviated concerns raised by MPSA members and the complainants about MPSA’s handling of their investigation into charges of misconduct by Professor Jacoby in the winter of 2018 and his subsequent resignation in April 2018.

The Task Force recognizes that MPSA leaders felt constrained in the information it could publicly share regarding a potential legal and personnel-related matter, especially given the Council’s tradition of granting *AIPS* editorial independence and by the initial conclusion among Council officers that formal Title IX investigations conducted by Michigan State University and the University of Michigan should be concluded prior to making a decision regarding Professor Jacoby’s editorship. Moreover, the MPSA’s attorney emphasized that sensitive information regarding and learned during the investigation should not be publicized, leading MPSA leaders to be very cautious about what information they released. And in retrospect, the officers of the MPSA were placed in a difficult situation when asked to discipline and terminate an independent contractor in response to allegations of harassment that were not associated with nor contemporaneous with his editorship of the journal. Because it took some time for MPSA officers to understand their own role and the claims raised, some members of the Council were left in the dark about the decision-making process, and some members expressed frustration and that the Council did not relieve Professor Jacoby from his role in a more timely and transparent manner.

The Task Force finds that MPSA officers should have provided more information to its constituents about the ongoing issues it was facing and the investigation it was conducting. To be clear, MPSA leaders issued an initial statement in January 2018 stating MPSA’s commitment to the highest standards of professional conduct from its officers and members. And they posted a subsequent statement in late March 2018 as events unfolded that winter and spring. However, MPSA leaders did not share with the MPSA membership as a whole their decision that—given the slow pace of the universities’ Title IX reviews—MPSA’s own counsel would conduct an investigation for the Council.

In hindsight, providing a procedural update to the membership during the winter of 2018 before the annual April meeting would have been appropriate to assure members that the charges of misconduct were being taken seriously, to demonstrate that the MPSA leaders were being proactive in light of the slow pace of the Title IX investigations, and to make clear that MPSA was committed to creating an environment where victims of harassment, bias, and/or discrimination could voice their concerns without threat of recrimination or reprisal. The Task Force acknowledges that MPSA officers’ legitimate concerns about due process discouraged them from more frequent and public communications about the matter.
MPSA’s silence during much of the investigation of Professor Jacoby was interpreted as a defense of Professor Jacoby and lack of support for Complainant #2 and complainants in general. The decision not to rush to judgment was interpreted by some members of the association as a lack of support for female political scientists who had suffered sexual harassment during their careers. Had MPSA communicated more quickly, more strongly and more frequently in the winter and early spring of 2018 that it wished to rely upon the results of the two Michigan investigations and/or conduct its own fact-finding investigation and for that reason would not be taking any immediate action, that might have assuaged parties who felt the MPSA should immediately fire Professor Jacoby. Instead, MPSA’s perceived handling of these issues caused deep resentment among some members of MPSA that may have been alleviated with greater communication.

5. The Task Force finds that MPSA officers’ efforts to be mindful of due process concerns while handling the investigation—coupled with the Council’s deadlocking on a decision about Professor Jacoby’s status at its annual meeting on April 5-6, 2018—initially allowed Professor Jacoby to remain in a position of power over the journal until his negotiated resignation as editor at the end of calendar year 2018. (Note: After Professor Jacoby posted an unauthorized statement on the journal’s website on April 17, 2018, expressing his personal opinions regarding the accusations against him, MPSA leaders told Professor Jacoby to suspend all activities as AJPS editor pending Council action. At an emergency Council meeting on April 18, 2018, the Council accepted Professor Jacoby’s resignation, effective immediately.)

6. The Task Force believes that Professor Jacoby exploited and abused his position by using the journal’s website to express his personal opinions regarding the accusations against him.

RECOMMENDATIONS

The MPSA Council has agreed to take the following actions recommended by the Task Force.

1. Endorse and make available to the MPSA membership the final Task Force Report and the O’Hagan Meyer investigatory report.

2. Issue a strongly worded statement that the MPSA takes sexual harassment—and those who report it—extremely seriously. MPSA will reiterate that MPSA leaders, members, and members of the discipline must work together to create an environment where victims of harassment, bias, and/or discrimination can voice their concerns without threat of recriminations or reprisals.

3. Finalize adoption of the MPSA’s Committee on Professional Ethics (COPE). This committee will address complaints of ethical problems, personal abuse, and/or retaliation allegedly caused by political scientists during their professional capacity at the MPSA. Activities include the investigation and adjudication of complaints and counter-complaints made by: MPSA conference participants regarding the ethical conduct of other conference participants, and MPSA members’ complaints about volunteers or leaders in the MPSA (including AJPS editors, staff and editorial board members) who are
operating in their professional capacities. COPE will be informed by the principles detailed in APSA’s Ethics Guide (2012) and will respond to any complaints relating to the MPSA Anti-Harassment Policy, the MPSA Council Member’s Code of Conduct, and the Policy on Editorial Conflicts of Interests.

4. Adopt a statement regarding the relationship between the MPSA Council and AJPS. The statement will recognize that MPSA owns the journal and is thus broadly responsible for the journal’s actions—while respecting the journal’s editorial independence from the association (and the editors’ legal status as independent contractors).

5. In light of the statement referenced in Recommendation #4, create a Publications Committee charged primarily with oversight of the governance of AJPS and any other relevant MPSA-related publications. The committee should propose criteria for terminating an editor’s agreement and a process for handling issues that raise potential financial or legal implications for MPSA (if not already covered by COPE’s ethics jurisdiction). The committee is empowered to recommend to the Council any new MPSA policies or amendments to the association’s by-laws deemed necessary to implement changes. The exact makeup of the committee will be determined, but will likely be comprised of one MPSA Council member, the MPSA immediate past president or previous past president, and one current member of the AJPS editorial board or former AJPS editor.

6. Affirmatively prohibit AJPS editors from posting personal statements on the AJPS website.

7. Continue to communicate to its members that MPSA has adopted new policies and procedures and will continue to evaluate mechanisms to ensure that any future concern regarding alleged unprofessional or unlawful conduct by one of its members or officers can be addressed more efficiently and more transparently.

8. Make the association by-laws accessible to MPSA members on the MPSA website.

9. Provide organizational support for MPSA’s newly created status committees on gender and sexual minorities and on ethnic and racial minorities.

10. Change the MPSA officer roll-off date to the end of April (instead of the last day of the annual meeting). Because the annual meeting takes place in the beginning of April, changing the roll-off date to the end of April would allow a few weeks of transition for the outgoing president to handle any immediate issues raised at the annual meeting that may make for a smoother transition to the new president.

11. Require orientation for new MPSA Council members. During MPSA annual meeting in April, a one-hour session (most likely on Friday) will be held for all incoming members of the Council to inform them about the activities of MPSA, the role and responsibilities of Council members, the relationship between MPSA and AJPS, and general issues of board governance. Orientation for the conference program chairs (potentially extending to section heads if already selected) can be provided at the annual meeting of the APSA.
Comparable orientation for *AJPS* editors and editorial board members could also in the future be required during transitions in *AJPS* leadership.

12. Contract with an outside firm to perform an audit of MPSA’s non-financial compliance, governance, and risk management process and procedures to ensure the highest governance standards are being met and to help prevent unexpected future liability. The results will be used by both MPSA staff and the Council to inform future improvements in the by-laws and governance of MPSA.

13. Empower MPSA’s Director of Communications to identify and propose crisis communications plans when needed that can then be approved by the Council.

14. Prohibit faculty and others who have been found guilty by their employer of sexual harassment from MPSA membership or attendance at the MPSA annual conference and other association events.
The Ad Hoc Appeals Committee writes in response to the appeal of Complainant #1 as represented in her emails of September 25 and September 13, 2019. Complainant #1 alleged that the MPSA executive director (William Morgan), then president (Professor Elisabeth Gerber), then immediate past president (Professor Vincent Hutchings), and AJPS editorial board members under the previous AJPS editor, Professor William Jacoby, participated in a conspiracy with Professor Jacoby to defame and retaliate against Complainant #1 and Complainant #2 for filing complaints against Professor Jacoby regarding inappropriate conduct.

To summarize our findings, the appropriate processes outlined by the organization for purposes of handling a complaint against council members and officers appear to have been followed. However, it is also fair to say that the processes in place at that time did not provide adequately detailed guidance to officers and council members for handling such a complaint. Changes to MPSA policy since that time have attempted to correct these oversights.

With respect to the claim of a conspiracy among MPSA officers and council members to defame the complainants’ reputations and retaliate against them for reporting William Jacoby’s misconduct, we do not find additional evidence to this effect in the appeal and thus find no basis to reverse the decision of the task force. At the same time, we see the recommendations for change made in the Task Force Report as essential to establishing clearer procedures and better communications in the future.

We respond to each individual appeal claim below, with direct quotations to the complainant’s emails where appropriate.

1. “My objection is to the concept of hiring a defense firm to defend MPSA against possible claims made by myself and [redacted], and to present that to the MPSA community as an impartial investigation, and to use that information as the basis for a task force report.”

To clarify, MPSA was involved in two separate investigations and in neither case were the attorneys hired for purposes of defending the MPSA. The first was conducted by MPSA attorney Kathryn Cimera to investigate the misconduct charges against Jacoby in order to provide the council with the information it needed to make a decision about Jacoby’s editorship. This is also how the investigation is presented in the task force report (pp. 3-4).
The MPSA had initially planned to rely on the Title XI investigations by the University of Michigan and Michigan State University rather than conduct its own investigation of Jacoby’s behavior. However, when it became clear that this process was going to take a much longer time than the Council was comfortable waiting to make a decision, they asked Ms. Cimera to investigate the claims so they might be able to make a decision at their April meeting. She reported to the council at their annual meeting in April 2018, long before either of the universities had completed their investigations.

By fall 2018, the University of Michigan concluded that Jacoby had violated their sexual harassment policies. By January 2019, a full year after the initial allegations were made, Michigan State University, Jacoby’s primary employer, determined that Jacoby had violated their sexual harassment policies as well. His university was not able to discipline him because he had resigned from his university position (except for specifying that he could not serve on committees during his retirement). Because Jacoby resigned as editor of AJPS in April 2018, by then he no longer held any MPSA position.

Later, when Complainant #1 suggested she might sue the association and its officers for allowing Jacoby to defend himself on the MPSA website, the MPSA insurance carrier was notified and a second investigation was commissioned by them, specifically with respect to the claims regarding the website posting. We are assuming the investigation referenced in the appeal is probably the second one, not the one described above. The insurance company asked the law firm O’Hagan Meyer to determine what if any liability MPSA might have due to Jacoby’s posting on the MPSA website and whether their insurance would cover such liability. The insurance company requested a risk assessment, not a defense of the organization.

As part of that risk assessment, the O’Hagan Meyer report did form an opinion about whether a defamation suit was likely be successful. This does not mean that O’Hagan was charged with defending the council members; instead, it was asked by the company that insures MPSA to determine the organization’s liability. It is part of the council’s responsibility to notify the insurance carrier of a potential suit against the organization. The O’Hagan attorneys were neutral arbiters who had not been involved in the events. They reached out to both Complainant #1 and Complainant #2; Complainant #1 did not respond, and but they spoke to Complainant #2 as part of their assessment.

2. "MPSA took no action when Jacoby published a defamatory and retaliatory statement on the AJPS website."

In addition to removing the statement from the MPSA website once she became aware of it on April 17, 2018, (within 24 hours after it was first posted), MPSA President Elizabeth Gerber suspended Jacoby as editor effective immediately when she became aware of this posting. This entire process occurred within one day of Jacoby posting his statement on the website. The MPSA Council held an emergency meeting the following evening, and as stated in the O’Hagan Report, “By this date, the Council was unanimous that Dr. Jacoby had abused his position as editor of the journal and had to be removed.” At that meeting, the Council was prepared to fire Jacoby as editor, but he resigned before the Council met.
These actions do not seem consistent with a conspiracy to defame Complainants #1 and #2. Moreover, their names were never mentioned on the website or anywhere else in public correspondence so as not to identify them and potentially discourage future victims from coming forward. In contrast, the fact that Jacoby was being investigated and later, that he had been suspended from his duties as Editor due to these allegations, was distributed publicly to the MPSA membership.

3. “The organization could not manage to support disciplinary actions against Jacoby in response to our claims of sexual misconduct, or against MPSA leaders who violated MPSA policies.”

Jacoby’s original misconduct occurred many years earlier outside of his association with the MPSA and it did not occur in his capacity as AJPS editor. As a result, Council members were initially uncertain how far their authority extended since Jacoby was not technically an employee of the MPSA, but instead an independent contractor. Once it was clarified that they did, indeed, have the authority to fire him, the council made plans to meet in April in order to consider the evidence.

To our knowledge, none of the professional associations in political science were able to discipline him for his conduct outside of the association’s purview. We are not aware of any disciplinary actions taken by SPSA or APSA, so we do not know what is being referred to in this regard in the appeal. However, because Jacoby served as the editor of MPSA’s journal, the MPSA had a responsibility to investigate these complaints and potentially terminate his editorship based on that evidence. After an investigation by the MPSA legal counsel, the MPSA Council met and deadlocked on a vote to remove Jacoby from his position. Next then-president Gerber and council members met with Jacoby, who agreed to resign effective December 2018. Less than two weeks later, Jacoby inappropriately posted his defense on the MPSA website on April 17, 2018. In response, on April 18, 2018, MPSA leaders suspended Jacoby immediately as editor of AJPS, pending Council action. An emergency Council meeting was held on April 19 by conference call, and the council agreed to terminate Jacoby’s editorship effective immediately. Technically, they voted unanimously to accept Jacoby's resignation as AJPS editor since he had resigned in the hours before the Council met. Since then, the task force has recommended that the relationship of the MPSA Council to the journal editor (an issue that arose in Council discussions given the editor’s status as an independent contractor) be clarified by new MPSA policy.

Although the Council’s actions took several months after the allegations were made, the MPSA’s response to the allegations against Jacoby produced results before either of the universities involved in investigating Jacoby took action. The Title XI investigations were frustratingly slow, making it difficult for MPSA to know on what basis they could act. MPSA’s own investigation took place in a much shorter period of time, thus making it unlikely to have included all of the same information as the investigations that took almost a year to complete. Based on the information we have, the Ad Hoc Committee cannot make such a comparison.

With respect to the claims of defamation made against MPSA leaders, all involved in the investigation agree that Jacoby should never have been allowed to use the MPSA website for his
own personal defense. As the report clearly states, “MPSA leaders did not—but clearly should have—taken a more proactive approach to monitoring any public statements by Professor Jacoby on the matter.” In short, this should not have happened and it demonstrated a lack of oversight on the part of the MPSA officers. However, we are not aware of any MPSA policies addressing oversight of the website that they could be accused of violating, although new policies have now been put into place to avoid this situation in the future. In addition, if a conspiracy to defame the complainants were involved, it seems unlikely that Jacoby’s statement would have been removed from the web so quickly or that it would have catalyzed his resignation/firing within 24 hours after that.

4. “My concerns involve the culture of MPSA, and its repeated patterns of behaviors that downplayed Jacoby's actions, enabled him to assert his innocence and to claim that those of us who filed complaints against him were employing falsehoods, and that those complaints were not believed by MPSA leadership. MPSA has never taken any actions to dispute his narrative.”

We are not aware of MPSA downplaying the complainant’s accusations against Jacoby or of anyone saying that MPSA leadership did not believe them or felt they were without merit. Neither the MPSA or its officers made any determination of this kind before the April council meetings because at the time they were waiting for the results of the Title XI investigations. Indeed, the organization was deeply grateful to the complainants for bringing this information to light. Ideally determinations of this kind could be made more quickly so that people who have abused their privileges are not left in positions of power. The MPSA had absolutely no desire to retain an editor who was found guilty of sexual harassment; however, it did not have an in-house process in place for determining this quickly.

5. “If MPSA had any kind of due process for fairly investigating my complaint, then I would appeal the findings and raise questions about substantive documentation of the "out of context" claims that you're making about the correspondence between Gerber, Jacoby, Hutchings, and Morgan. I would raise questions about the personal conflicts of interest between these individuals and the original investigation.”

We are not aware of conflicts of interest that would have adversely affected officers’ ability to make decisions about Jacoby. The tone of Gerber’s email to Jacoby suggested a friendship, but this did not prevent her from suspending his editorship in response to inappropriately using the website for his own defense. Where this complaint has clear merit is that the officers involved should have exercised closer oversight of Jacoby’s use of the website. They knew that he was going to post something on the website, but they did not know the specific content of the posting. Once that content was known, action was taken immediately to remove it and to suspend him as editor.

6. “MPSA saw these same complaints [as the two universities] and this same evidence and treated them as inconsequential (suggesting its lack of seriousness about sexual harassment and misconduct in the discipline, writ large), and MPSA's public behaviors were a deliberate attempt to preserve Jacoby's status and reputation and to harm ours.”
The MPSA did not have the benefit of the Title XI reports at the time they considered firing Jacoby. Instead, they had only information from a much briefer investigation by Ms. Cimera.

7. “MPSA continues to produce reports to suggest that our complaints lack merit, fails to act in ways that acknowledge the legitimacy of those complaints, and portrays us as nuisances with no valid concerns.”

We are not aware of any statements suggesting that the complaints lack merit with respect to their accusations of sexual harassment. Where the MPSA council disagrees with the complainants is about whether there was an intentional conspiracy among the MPSA officers to defame the complainants and support Jacoby. We see no evidence of this intent in their actions, although we do find fault with the level of oversight given to the web content as further detailed in the Task Force Report

8. “Liz Gerber refused to respond to any of [redacted] or my emails to her during this time when we were requesting that she take disciplinary action to halt these attacks on us.”

The appeals committee is not aware of emails to Gerber that went unanswered, and we have not heard about specific attacks made against the complainants as suggested above. Jacoby’s posting was removed as soon as it was seen by the council and he was disciplined by being immediately suspended. We are not aware of any other actions that might be construed as attacks on the credibility of the complainants. If they were attacks made by individuals on social media, we are not certain the MPSA could have done anything to stop or discourage them. Nonetheless, we would like to reaffirm, as detailed in the Task Force Report, that MPSA Council and leadership could have done much more than they did to communicate clearly with the complainants and the MPSA membership to minimize misunderstanding of the process while it was taking place.

9. “In all honesty, your behavior, the behavior of your predecessors, and the actions of your organization more generally are so galling and so shocking to the conscience that despite [redacted] and my preference for avoiding a lawsuit against MPSA, we increasingly feel that MPSA has left us no other choice. It's almost as if MPSA prefers to be sued for defamation and retaliation rather than simply stepping up and doing the right thing.” “I would ask you to cease and desist in this campaign of retaliation and defamation.”

Again, the committee is unaware of actions taken by MPSA or statements the organization has made that could be considered retaliation or defamation against the complainants. Their privacy has been protected to the extent possible throughout the investigation. Their claims were taken very seriously and led to the removal of the AJPS editor within 3-4 months of the initial claims.

In summary, we do not find that due process was violated in this case, but there was certainly a lack of communication and oversight, as reported in greater length in the Task Force Report. These problems contributed to mistrust of the process, as well as confusion as to what was being done by whom and for what reasons. We concur with the Task Force Report that these issues
should be rectified as part of MPSA official policy so that future leadership will have clearer guidelines on how to proceed.
Email correspondence pertaining to Appeal from Complainant #1

Email from Binder to Complainant #1 (September 11, 2019)

Sarah
From: Binder <binder@gwu.edu>
To: [REDACTED]
Date: Sep 11, 2019, 5:07 PM
Re: Follow up on MPSA Council action on your complaint

Dear [REDACTED],

I wanted to reach out to follow up on the MPSA Council's consideration of your complaint. Subject to revisions, the Council approved the task force findings and recommendations (see attached revised task force report; complainant name/s redacted).

As a reminder, the process adopted by the MPSA Council in April 2019 to handle review of the complaint includes an appeals process (in blue below). I am starting the 14-day period referenced below today, so any appeal would need to be submitted in writing by September 25 (at 5 pm). The ad-hoc appeals committee would be comprised of the MPSA Council's president-elect and two Council vice presidents.

Should any named party to the Complaint wish to appeal the decision and/or any correctional measures, an ad-hoc appeals committee will be comprised of the Executive Committee of the MPSA. Any party who is involved in the dispute or closely related to a party involved in the dispute would be recused and replaced by the MPSA Vice President(s) with the most seniority. All appeals must be made in writing within fourteen days of the final report. Decisions of the ad-hoc appeals committee are final. After all appeals are final or the time period for filing has elapsed, the Task Force’s written decision and any Correctional Measures implemented will be made available upon request to members of the MPSA.

Please let me know if you have any questions or concerns that you'd like to discuss at this final stage of the process. I appreciate that this has been a very long process and a difficult journey for both you and [REDACTED]. And I would like to update you separately on recent steps the MPSA Council has taken to strengthen MPSA’s commitment to promoting equality and transparency and enforcing the highest standards of ethical behavior within the discipline.

best,
Sarah
Email from Complainant #1 to Binder (September 13, 2019)

To: Sarah Binder <binder@gwu.edu>
Date: Sep 13, 2019, 2:51 PM
Subject: Re: Follow up on MPSA Council action on your complaint

Dr. Binder,

Given the nature of this process, I'm not sure what the basis of an appeal would be in this case.

If this were an impartial investigation, and if MPSA had any kind of due process for fairly investigating my complaint, then I would appeal the findings and raise questions about substantive documentation of the "out of context" claims that you're making about the correspondence between Gerber, Jacoby, Hutchings, and Morgan. I would raise questions about the personal conflicts of interest between these individuals and the original investigation Jacoby, and the personal conflicts of interest between yourself and the other member of the task force and these individuals who are now all named in my current complaint.

But, this task force is about damage control for MPSA, and making excuses for the policy violations and misconduct of your leadership, and not for the purpose of impartially vetting my complaint or assessing misconduct.

That MPSA has twice had its insurer hire lawyers to defend it against potential claims by [redacted] and myself, in both instances presenting such investigations to the political science community as impartial, is beyond deceptive. Concealing the true intent of your legal investigation of Jacoby (including from [redacted] and me, as Ms. Cimera's obligations were not made clear until I read your recent task force report) is potentially actionable, in that you secured our cooperation under deliberately false pretenses. Moreover, both investigations, through the secrecy that MPSA employed, and through your personal efforts to silence advocacy groups from speaking up and asking questions about these misconduct complaints lest they somehow interfere with what you portrayed as an impartial fact-finding process, were a deliberate attempt to shield MPSA from criticism and therefore damage the professional reputations of [redacted] and myself by portraying our complaints as without merit.

We both view this as further evidence of retaliation by MPSA against us for our initial efforts to hold Jacoby accountable for sexual misconduct. Indeed, MPSA has engaged in an on-going pattern of behaviors to conceal findings, and to make excuses for misconduct. MPSA has not engaged in a single disciplinary action in response to violation of MPSA policy guidelines by its leaders or by its members. MPSA took no action when Jacoby circulated a defamatory and retaliatory statement about [redacted] and me to the AJPS review board. MPSA took no action when Jacoby published a defamatory and retaliatory statement on the AJPS website.
Liz Gerber refused to respond to any of [redacted] or my emails to her during this time when we were requesting that she take disciplinary action to halt these attacks on us. MPSA only responded when a separate petition drive and a wave of membership resignations took place; absent this, there would have been no MPSA response to any of these behaviors. Gerber's initial response to Jacoby's statements, made on the MPSA website, denied prior knowledge of his actions (which their email exchange belies), and denies any MPSA approval, which the online involvement of three MPSA leaders, and her stated acquiescence to the content that was posted, also belies.

Suggestions that the context of this email chain were misunderstood by the complainants are substantiated nowhere in your current report. The series of excuses for the lack of professionalism of MPSA leadership don't substantiate a lack of context; they are merely excuses for misconduct. Moreover, Jacoby himself provided the context— he offered these emails as evidence in the MSU Title IX case that MPSA leadership had approved of his defamatory and retaliatory statements. MPSA offers no evidence to dispute this, and [redacted] and I both feel that his view of the context of these emails is truthful.

I could further dispute the changing MPSA position on Jacoby's status with MPSA, as evidenced by these reports. MPSA claims that Jacoby was an independent contractor and that it was not free to act in dismissing him for misconduct (although no evidence of this is provided), yet Ms. Cimera informed me (in writing) that MPSA leadership took a vote at the time about how to deal with Jacoby, with a tied outcome of 3 votes to dismiss immediately and 3 votes to retain him with supervisory oversight. Inexplicably, after such a vote, MPSA didn't dismiss Jacoby, nor did they provide oversight, leading to the his statements that [redacted] and I believe were harms inflicted on us and in retaliation for our complaints. That is, unless the email thread involving Gerber, Hutchings, and Morgan constituted oversight, in which MPSA is wholly responsible for the outcome. If it wasn't oversight, then MPSA is responsible for failing to provide oversight, given the vote, and the serious concerns of the members. There is no "out" for MPSA on this matter.

Moreover, MPSA's silence on its initial investigation of Jacoby, its refusal to let Ms. Cimera provide a written report, and its retention of Jacoby as editor, all communicated to the political science community that Jacoby had been vindicated by Ms. Cimera's investigation when, in fact, he had not. MSU and U of M, hearing similar witnesses, found against him and dismissed him (in the case of MSU, on the grounds of decades of predatory behaviors). MPSA saw these same complaints and this same evidence and treated them as inconsequential (suggesting its lack of seriousness about sexual harassment and misconduct in the discipline, writ large), and MPSA's public behaviors were a deliberate attempt to preserve Jacoby's status and reputation and to harm ours.

This current so-called investigation is more of the same. MPSA is pretending to investigate, and hoping that I'll play along and legitimize this farce of a process. I am under no obligation to do so, nor is it in my interest to provide cover to MPSA in this matter.
I have signed no NDA, and I am no longer a member of MPSA. The evidence used by this task force of two people was all collected for the purpose of a legal defense by MPSA against [redacted] and me, and therefore does not serve the purpose of fairly investigating MPSA leadership misconduct. Rather, its purpose is to conceal it and excuse this misconduct. I expect that nothing that I say to MPSA will change the content of the task force report, as the task force has never sought to contact [redacted] or me for input on the report to begin with. I see no other potential sources of information for this task force, other than further attempts at damage control, and potential defamation of and retaliation against [redacted] and myself, by this organization.

Thus, I have already distributed unprotected versions of both documents to various members of the political science community. I feel that it is my right to do so; I'm the one who initiated the complaint, and I'm entitled to MPSA's response. I have a right to show others how MPSA has treated my complaint.

In all honesty, your behavior, the behavior of your predecessors, and the actions of your organization more generally are so galling and so shocking to the conscience that despite [redacted] and my preference for avoiding a lawsuit against MPSA, we increasingly feel that MPSA has left us no other choice. It's almost as if MPSA prefers to be sued for defamation and retaliation rather than simply stepping up and doing the right thing.

We cannot imagine that given MPSA's conduct thus far, any graduate student, any person lacking tenure, or anyone who's been sexually harassed or otherwise mistreated by a powerful person in this organization would ever feel safe filing a complaint with MPSA. Our experience with SPSA has been completely different, which suggests that you, and other current and past MPSA leaders, are incapable of professional conduct as leaders of this organization, instead placing your own self interests above those of the community more generally. Women aren't second class citizens in this discipline, and neither you, nor Gerber, nor any other current or previous members of your leadership team are the real victims here, despite the language used in emails and reports that suggest otherwise. Your lack of actual empathy (as opposed to lip service and sloganeering) has not gone unnoticed.

And, forming new committees to study this topic doesn't absolve you of your conduct in this matter; it is mere tokenism and attempts at cooptation.

So, I'm going to offer you some unsolicited advice on what you should have done, despite your obvious lack of interest in my thoughts: 1) rather than assume a defensive, secretive posture from the onset, where the complainant who alleges sexual or other misconduct against your leaders is treated as the enemy, opt for a more transparent process, engage in dialogue with the complainants, and fairly and openly investigate the complaint (I'd note here that despite her unrevealed conflict of interest, Ms. Cimera asked fair questions, sought witnesses, and had she been tasked differently, seemed capable of executing such responsibilities); 2) be open about your findings-- those of us making a complaint realize that in coming forward, we are revealing our identities to others, and we are also expected to obligate others to do so by
coming forward as our witnesses, so unless we ask you to conceal something, pretending that you're protecting our privacy is ridiculous, and Cimera wasn't even accepting complaints that were made anonymously; 3) don't provide one party with an opportunity to confront evidence against them in a closed door hearing with the organization's leadership and deny this to the complainant(s)-- it looks like you're privileging a powerful friend and denying victims of their abuse due process (which you did); 4) actually enforce your policies on conduct through disciplinary actions of which you notify members of the community-- else there's no point to having such policies (so, trying hard to avoid enforcing policies against Jacoby, Gerber, Morgan, and Hutchings means people won't have faith in your current policies, or any future proposals you come up with-- they'll be viewed as the window dressing that they are, and without a track record, you lack credibility); 5) it is bad form to express empathy for yourselves, and none for others (i.e., Gerber sending out an email complaining about how stressful Dr. Gill's and my complaint was for *her,* the task force report that whines about how unfair the complaint about leadership misconduct was for those just trying to go on vacation in Italy... despite having an actual job to do for MPSA, and despite the fact that real people who were harmed by misconduct of high-placed MPSA members); 6) sincere apologies go a long way (by this I don't mean apologizing to the community, or apologizing if people think they were harmed, in that those are non-apology apologies).

In the future, if MPSA leaders cannot behave themselves, conduct themselves according to the policies of the organization, or expect to be dismissed for failure to do so, MPSA will most certainly experience more complaints about misconduct or worse. I suggest that rather than treat complainants in a manner that itself is retaliatory and defamatory, you might want to try a different tack. Try asking the complainants what they want. Apparently you are all assuming the worst, and thinking that what someone who complains about sexual harassment or sexual misconduct (or, some other form of misconduct) wants is some sort of monetary settlement. And, they might be more likely to want this if you screw things up by, yourself, engaging in misconduct and defamation. More likely, what a complainant wants is accountability and justice. Thus, the due process concerns noted above. But, also, don't discount the value of an actual, sincere (and public) apology for your actual misdeeds and a mea culpa-- an acknowledgement of those misdeeds. And, complainants want accountability, which means enforcement of your policies. Those who violate policies, or fail to execute them (to the detriment of others) need to be replaced. Unless, that is, you feel entitled to positions of power in an organization, and do not view them as positions of public trust. Feeling entitled damages your organization's reputation, and leads you to defend your self interest at the expense of your organization. It leads you to run roughshod over vulnerable members of your community that you've been tasked to protect. And, commitment to the idea of reforms (i.e., by forming a committee) is different than listening to complainants' requests for reforms, and a commitment to enacting them.

I shouldn't need to tell you any of this, because some of this is supposed to be your area of expertise.
You've made it clear that you have no interest in my input, or Dr. Gill's input, by refusing to solicit it. I'm offering it anyway-- as a public service. You and your colleagues have damaged MPSA, and you seem incapable and/or unwilling to repair this damage. The level of corruption and self dealing made evident by MPSA's behaviors over the past two years will have long term consequences for the organization.

Women, people of color, members of the LGBTQ, and others, are less likely to feel that MPSA is concerned about their rights, or protecting them from harmful behaviors by other members, especially of those members are in positions of power in MPSA or have powerful friends in MPSA.

And, you have caused myself and Dr. Gill immense personal and professional harm through your actions and the actions of your organization, through a series of inexplicable behaviors of relation and defamation designed to delegitimize our documented complaints about misconduct by powerful members of the MPSA community.

I suggest that you think long and hard about what you're signalling with the task force report. Moreover, I suggest that you consider the appropriateness of the secrecy surrounding the report, and what that reveals about the fairness of this process, and the legitimacy of the content of that report. That you wish to conceal MPSA's response to my complaint isn't for my benefit, it's for yours. If openness is damaging to MPSA, then that alone should be an indicator that something is amiss with this process. That it is not suggests that MPSA's problems are deeper than this.

If you are unwilling to correct the record, publicly, on the true purpose of MPSA's legal investigation and task force, then I will. I am not willing to allow MPSA to continue to defame my professional reputation or that of Dr. Gill. I would ask you to cease and desist in this campaign of retaliation and defamation.
Email from Binder to Complainant #1 (September 22, 2019)

Sarah
From: Binder <binder@gwu.edu>
To: [REDACTED] <[REDACTED]@jmu.edu>
Date: Sep 22, 2019, 9:58 AM
Re: Re: Follow up on MPSA Council action on your complaint

Dear [REDACTED]

Thank you very much for sharing your reactions, thoughts, and advice. I appreciate hearing from you directly.

I would like to treat your email as an appeal and thus provide it to the ad hoc appeals committee and likely make it part of the official (public) record of the task force. Please let me know before the end of the appeal period Wednesday, Sept. 25th, 5 pm) if you do NOT want me to provide your email to the appeals committee or to make it public with the task force report.

Once the process is complete, I would be happy to speak with you and [REDACTED] at any time. If you are ever in D.C., we could meet in person. Otherwise, glad to talk when mutually convenient for you and/or [REDACTED]

best,
Sarah
Email from Complainant #1 to Binder (September 25, 2019)

To: Sarah Binder <binder@gwu.edu>
Date: Sep 25, 2019, 7:18 PM
Subject: Re: Follow up on MPSA Council action on your complaint

Dr. Binder,

I have no objections to my communication with you being treated as an appeal, or to you sharing the content of my communication with others.

My objection is to the concept of hiring a defense firm to defend MPSA against possible claims made by myself and [redacted] and to present that to the MPSA community as an impartial investigation, and to use that information as the basis for a task force report. This doesn't provide me, the complainant, with any semblance of due process, and creates a preference for the leaders I'm accusing of misconduct (and, violations of then-MPSA policy, as I detailed in my original complaint).

And, I was disappointed to see in MPSA’s recent newsletter that MPSA will be taking disciplinary actions for no shows at its yearly conference, when the organization could not manage to support disciplinary actions against Jacoby in response to our claims of sexual misconduct, or against MPSA leaders who violated MPSA policies and enabled and participated in his retaliatory and defamatory actions against [redacted] and myself.

I don't know you personally, so I'm not drawing any conclusions about your motives or intentions in this process. I have no particular feelings about you as a person; my communication with you involves your role in MPSA. (Indeed, my only other contact with you has been indirect, and was decades ago, when I was a member of an APSA or MPSA awards committee that selected you as a recipient based on your legislative research.) Rather, my concerns involve the culture of MPSA, and its repeated patterns of behaviors that downplayed Jacoby's actions, enabled him to assert his innocence and to claim that those of us who filed complaints against him were employing falsehoods, and that those complaints were not believed by MPSA leadership. MPSA has never taken any actions to dispute his narrative.

I'm willing to talk or meet with you at some future date-- but that would likely be affected by the outcome of this process. If MPSA cannot publicly acknowledge its missteps in the way that [redacted] and I were treated-- despite the fact that we've done nothing wrong-- and to apologize, then we'll be compelled to take other steps to defend our reputations, and to hold MPSA accountable for the personal and professional harms it has inflicted on us. That would likely create a conflict of interest that would preclude any conversations with members of MPSA leadership. Throughout this process, we've relied on existing policies and institutional measures and utilized them in good faith. But, these policies, and their enforcement
mechanisms, are either badly flawed and/or MPSA is simply a bad faith actor. Whatever the reason, we both feel that following the rules, and filing complaints instead of lawsuits, has not served us well. And, MPSA has treated us as if we had engaged in the latter rather than the former, thus, engaging with us as if we were the enemy, or had ourselves engaged in wrongdoing.

I don't have much faith in the appeals process because it's the same culture and the same actors, sharing the same motives. MPSA's institutional purpose is protection of the organization and its leaders and editor, not due process for us, or fairness in how we are treated. The report by MPSA's defense attorney and the task force were wholly predictable. And, an appeal will be as well. This is disappointing to watch (and far more stressful for me and for Rebecca than it is for you, I'd add). Rebecca and I had hoped that at some point along the way, MPSA would do the right thing. Else, we would have sought out different remedies. But, when MPSA continues to produce reports to suggest that our complaints lack merit, fails to act in ways that acknowledge the legitimacy of those complaints, and portrays us as nuisances with no valid concerns, there are real consequences for us. And, clearly this is the intent of such behaviors-- in that MPSA is viewing our complaints as a zero sum game (where it's MPSA's reputation or ours that gets protected). That's simply not an appropriate organizational mindset for handling sexual (or any other) misconduct complaints. That is, unless the organization's goal is to discourage such complaints altogether.

Our experience with SPSA was dramatically different from our treatment by MPSA. SPSA's outside legal firm was used to research and suggest policy complaints, not to protect SPSA against potential misconduct by members or incoming leaders. Just a thought.
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(Revised 8/8/19, 9/8/19)

June 27, 2019

VIA EMAIL & U.S. MAIL
Sarah Binder
George Washington University
binder@gwu.com

Re: Investigation into Claims of Complainant #1

Dear Ms. Binder:

This law firm was retained to investigate Complainant #1’s potential claims of alleged retaliation and conspiracy to defame alleged against the Midwest Political Science Association’s Executive Director, Will Morgan, Liz Gerber, the immediate past president, Vince Hutchings, the second past president, Jan Leighley, the third past president, and members of the AJPS editorial board under Dr. William Jacoby’s editorship who were also Council members. Complainant #1 maintains that the MPSA investigation into Dr. Jacoby’s sexual misconduct intentionally lacked transparency and was designed to conceal his misconduct. Complainant #1 claims this lack of transparency allowed Dr. Jacoby to publicly disparage Complainant #1 and Complainant #2 in retaliation for their complaints against Dr. Jacoby.

I. SCOPE OF INVESTIGATION

Our investigation of Complainant #1’s potential claims alleging conspiracy to defame and retaliation included interviewing ten witnesses and one of the parties who originally complained of improper conduct by Dr. Jacoby (the second party declined an interview with investigators). It also included reviewing numerous policies, scores of e-mails by MPSA leadership including many between MPSA representatives and the complaining parties, and MPSA messages to the public, social media postings, and articles regarding the complaints against Dr. Jacoby and their handling.

II. EVENTS UNDERLYING INVESTIGATION

MPSA is a membership organization for professionals and academics in the political science field. The MPSA is governed by an Executive Council. The current President, immediate past President, President-Elect, and Executive Director all serve as the Executive Council for the Association.
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The organization’s two primary activities include sponsoring an annual academic conference, and producing a top-ranked academic journal, the American Journal of Political Science, for which a senior professor from Michigan State University, Dr. William Jacoby, was the editor.

A. The Role of Editor of AJPS

Editorship of the American Journal of Political Science (“AJPS”) is a demanding and prestigious position requiring an individual with prior editing experience and extensive subject-matter knowledge. The editor role is a powerful position, as the editor is the sole decision maker for all content published in the journal, although members of the editorial board, selected by the editor, may assist with specific expertise in sub-fields of research within the discipline of political science.

Editorship of the journal is a contract between two institutions requiring significant financial investment by the editor’s employer institution. The editor contract is between the MPSA and the editor’s university employer, which is responsible for providing all financial support necessary to publish the journal, including funds to pay students to work on the journal through internship-type positions and a portion of the professor’s summer salary. This contract with the editor’s university also clarifies that the editor is an independent contractor. At the time of the events in question in 2018, it was silent on the issue of removal of an editor.

Dr. William Jacoby, a former professor at Michigan State University, served as AJPS editor beginning in 2014 pursuant to a four-year contract between his university and MPSA. He was reappointed as editor for another four-year term which began January 1, 2018. During, and perhaps due to, Dr. Jacoby’s leadership, AJPS had become the most frequently cited journal in the political science field. According to witnesses interviewed, by any measure, Dr. Jacoby did an excellent job in running the journal. In fact, he instituted a replication policy and related practices (pertaining to authentication of scholarly research) that have become the model for many academic publications within the social sciences.

B. Complainant #2’s and Complainant #1’s Allegations

In early 2018, Complainant #2 notified attendees at a conference where she was presenting that she had been sexually harassed by a male professor when she was a graduate student. She provided enough details to identify the alleged accuser as Dr. William Jacoby, who in 2018 served as editor of AJPS. She also disseminated her comments regarding the incident on her Twitter feed. In the same time frame, word about the allegations made it to the University of Michigan which initiated a Title IX complaint against Dr. Jacoby, some of which was later also transferred to his employer, Michigan State University. The University of Michigan sponsored the summer program
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where the alleged harassment took place. The accusation became the subject of wide discussion within the political science community.

Shortly after the Complainant #2 allegations surfaced, Complainant #1, a political science professor at [redacted], shared with MPSA leadership that she had engaged in a two-year consensual extra-marital affair with Dr. Jacoby when she was a 23-year-old graduate student, but that she felt that Dr. Jacoby had abused his position of power to effectuate the affair. Dr. Hutchings, President at MPSA at the time of both the Complainant #1 and Complainant #2 accusations, interpreted the Complainant #1 letter as an expression of support for Complainant #2’s allegations, and not a complaint in its own right. The allegations by Complainant #2 were discussed heavily on the Political Science Rumors blog site, where a letter presented as written by Dr. Jacoby but later disavowed by him denying the Complainant #2 allegations appeared and was later removed. While Complainant #2 made her allegations against Dr. Jacoby publicly, readers of the blog would be aware also of the Complainant #1 allegations.

C. MPSA’s Initial Reaction to Allegations

Members of MPSA Executive Council (“E.C.”) at the time the allegations were made, from January 2018 until April 7, 2018 at midnight, included President Vincent Hutchings, Past President Jan Leighley, President-Elect Elisabeth Gerber, and Executive Director William Morgan. Throughout early 2018, the MPSA E.C. made every decision together as a group. They were focused on protecting the MPSA organization as a whole, remaining neutral with respect to the inter-personal allegations, and affording due process to all involved.

The E.C. was troubled by the allegations against Dr. Jacoby but also struggled with the nature of the organization’s responsibility for Dr. Jacoby’s alleged past actions decades before he was editor of AJPS. In fact, there was an initial question among members of the E.C. about whether they had any contractual right or responsibility at all to act against Dr. Jacoby in his role as editor in response to allegations of conduct he committed decades ago. MPSA was not and never had been Dr. Jacoby’s employer, rather Jacoby was an independent contractor as the editor of AJPS. His employer was Michigan State University, not MPSA. Moreover, MPSA believed strongly in the independence of its academic journal and was committed to refraining from exercising any control over the journal to avoid compromising its scholarly integrity and independence.

On January 22, 2018, MPSA’s Executive Council posted a statement on the MPSA website acknowledging Complainant #2’s allegations, stating that it took them seriously, and indicating an intent to allow the universities to investigate. E.C. members determined that the organization needed additional information in order to ascertain whether any action against Dr. Jacoby was appropriate or justified. They initially decided to allow the educational institutions who employed Jacoby to conduct and conclude their respective investigations of the allegations, but quickly realized they needed to forge ahead on their own to investigate the allegations. MPSA hired the
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law firm of Mallor Grodner to investigate the allegations against Jacoby. The attorney’s report was given at the Annual Meeting on April 5, 2018.

The E.C. determined that Elisabeth Gerber should reach out to Complainant #2 to let her know that MPSA was taking the allegations seriously and was relying on the universities to conduct the primary investigation of her allegations. Dr. Gerber advised that the E.C. was working on a by-pass mechanism by which Complainant #2 could submit articles without involving Dr. Jacoby. Complainant #2 responded positively to that offer and expressed interest in possibly submitting an article to the journal.

Between January and April there was little public comment by MPSA regarding the matter, because MPSA was engaged in its investigation and wished to protect the privacy of all involved.

D. MPSA 2018 Annual Meeting

MPSA held its Annual Meeting in Chicago on Thursday, April 5, and Friday April 6, 2018. At the Annual Meeting, President Vince Hutchings’ term ended (effective Saturday April 7, 2018 at midnight) and new President Elisabeth Gerber began her term as MPSA president.

On Thursday, April 5, 2018, a brief MPSA Council meeting was held where the Council first adopted a revised sexual harassment policy and then voted to go into Executive Session to discuss the Dr. Jacoby situation. During the executive session, where minutes were not kept, Mallor Grodner attorney Kathryn Cimera shared the evidence she had collected with members of the Council. The Council remained deeply split about the organization’s proper response.

The executive session involved lengthy and heated discussions by the Council members and had to be continued to the next day. At the close of the executive session on Friday, two motions were made in response to the report: one to remove Dr. Jacoby as editor of AJPS, and one to appoint a board to supervise Dr. Jacoby in his role as editor of the journal. Neither motion carried, with the Council being split 7-7 on both motions. As a result, no official action was taken, but it was determined that the Executive Council would talk to Dr. Jacoby about the dilemma, the fact that a significant number of Council members had lost confidence in him, and to determine whether Dr. Jacoby would voluntarily resign.

Vincent Hutchings and Liz Gerber met with Dr. Jacoby immediately after the Friday, April 6, 2018 meeting, and he agreed to resign as editor. He expressed a willingness to voluntarily step down but asked to remain for the balance of the year to work on transitioning the editorship to a new person. In light of the impact his departure would have on the journal itself, and the fact that Dr. Jacoby had just begun the first year of a renewed four-year contract to edit the journal, Dr. Jacoby’s offer to resign at the end of the year, eight months hence, was accepted by the Council in an effort to minimize the disruption to the journal. The optics of allowing Dr. Jacoby to remain in the editor position were not fully explored by either members of the E.C. or the MPSA Council.
E. Dr. Jacoby’s E-mailed Notices of Resignation

During the weekend after the annual meeting, Dr. Jacoby e-mailed members of the E.C. a draft of a message he intended to circulate to members of his editorial board announcing his resignation as editor. The message addressed the allegations against him generally, and denied them. Dr. Gerber responded to Jacoby’s email with edits to the editorial board message for accuracy. Dr. Jacoby communicated by e-mail twice that he would be sending a similar message in a “pared down” version for general distribution and inquired as to whether officers would like to see the message beforehand. After forwarding her edited version of the message for the editorial board, Dr. Gerber responded that it would not be necessary for her to review the final edited message Dr. Jacoby intended to send to the editorial board.

Three of the four members of the January 2018 E.C. had events occurring in their lives immediately after the annual meeting that significantly distracted them from MPSA business. On April 12, 2018, Gerber departed for an overseas trip. At the same time, Dr. Morgan was dealing with a serious medical situation involving his hospitalized son. Although she had officially “rolled off” the E.C. as of the Annual Meeting, Dr. Leighley was scheduled for hip replacement surgery on April 16, 2018.

Whether due to the MPSA’s historical recognition of AJPS independence, individual E.C. member’s understanding, or lack thereof, of the organization’s public role with respect to the journal it published, or specific contemporaneous life circumstances, none of the recipients fully grasped Dr. Jacoby’s stated intent to issue a public statement about his status. Dr. Jacoby’s stated intent to make a further public statement that would be a “pared down” version of the message he sent to his editorial board, denying the allegations against him while noting his intention to step down, should have put the recipients on notice that Dr. Jacoby might publicly deny the allegations against him. Although all were aware that Dr. Jacoby was capable of displaying a temper, they also had observed him behaving as a true professional in his work on the AJPS. The recipients of the e-mail trusted and assumed, based on his prior conduct, that Dr. Jacoby would continue to behave in a professional manner in his role as editor of the journal. They did not affirmatively condone any communication about the sexual harassment allegations against him or his denial of those allegations being made on the AJPS website. But they failed to consider and respond to the appropriateness of any message that Jacoby might publish on the AJPS website and possible implications for MPSA. Some witnesses, who later received the e-mails as attachments to Complainant #1’s February 11, 2019, e-mail, believed they reflected an affirmative effort by Jacoby to mislead Gerber, Hutchings and Morgan about his intent to generate a more public statement that would omit the specific denials he included in the editorial board message.

On April 16, 2018, Complainant #1 sent a letter to Will Morgan for dissemination to Drs. Gerber, Hutchings and Binder (the new President-Elect) excoriating the board for allowing Jacoby to remain in his position as editor of AJPS. Also, on April 16, 2018, representatives of the Women’s Caucus of the MPSA sent a letter to MPSA decrying the lack of transparency regarding
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the organization’s handling of the allegations against Jacoby. Before MPSA leadership had an opportunity to consider and respond to these allegations, Dr. Jacoby took steps that required their immediate action.

F. Dr. Jacoby’s Public Denial on AJPS Website

On April 17, Dr. Jacoby published essentially the same message that he had distributed to his editorial board on the home page for the AJPS journal He denied the allegations against him but he did not identify any one person as having made false accusations against him and did not defame anyone in denying the allegations against him. This letter outraged certain members of MPSA and readers of the journal, and the Council immediately required him to take the letter down and replace it with an apology. The Council also directed Dr. Jacoby immediately to suspend all activity as editor of the journal. The Council then held an emergency meeting on April 19, where they accepted Dr. Jacoby’s resignation. By this date, the Council was unanimous that Dr. Jacoby had abused his position as editor of the journal and had to be removed.

The day after the Jacoby letter was published on the AJPS website, Dr. Gerber explained again in a public statement that MPSA was taking the allegations against Jacoby seriously, and that due to the continuing and growing “firestorm” that the organization was calling an emergency Council meeting to address the issue. Dr. Gerber also stated in the public letter that the Jacoby letter on the AJPS website had not been authorized by the MPSA, and did not represent the position of the MPSA or its members. The notice stated that MPSA “regretted” any offense the Jacoby letter caused and advised that an apology had been posted in place of the notice.

G. Release of Investigative Materials

The University of Michigan concluded its investigation in the fall of 2018, and found that Dr. Jacoby had violated the university’s policy on unlawful harassment in his interactions with Complainant #2. The results of an investigation conducted by outside investigators on behalf of MSU were released in January 2019, and found that Complainant #2’s evidence regarding a claim that Jacoby retaliated against her by denying her allegations on the website of AJPS, was insufficient to find retaliation. But the MSU investigators did find that Jacoby had violated university policy with regard to another student to whom he had made inappropriate comments.

Upon the completion of the University of Michigan’s investigation into Jacoby’s conduct, and in tandem with an appeal process pursued by Complainant #2, evidently, the contents of the investigation file were shared with Complainant #2 and/or Complainant #1, including the April 8 through 11, 2018 e-mails between Jacoby and Drs. Gerber, Hutchings and Morgan about his intention to distribute a public message about resignation. Evidently Dr. Jacoby submitted these documents as part of his defense of the investigation into potential retaliation against those who complained about his harassment.
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Early in 2019, materials from Michigan State University’s investigation were disclosed to Complainant #2, including the e-mail exchange between Jacoby and Hutchings, Gerber and Morgan. Complainant #2, Complainant #1, and others believed that the messages indicated that MPSA leadership conspired with Jacoby to defame Complainant #2 and Complainant #1 because the leadership allowed Jacoby to remain in his editorial position knowing he would publicly deny the allegations against him. In February 2019, these concerns were expressed as potential legal claims against MPSA leadership and Council members and additional information was demanded regarding the events that transpired throughout 2018 that allowed Dr. Jacoby to remain in the position where he could publish the open denial.

H. Complainant #1’s February 11, 2019 Letter

On February 11, 2019, Complainant #1 directed a letter to MPSA Council members and “Officers” but expressly excluded members of the Executive Committee, attaching the e-mail exchange between Jacoby and Hutchings/Morgan/Gerber regarding his intention to release a statement regarding his resignation from the journal. In her letter, Complainant #1 took the position that based on what appeared to be the executive council’s assent to Jacoby publishing a notice about his resignation in AJPS, and Gerber’s apparent approval of the message to the editorial board denying the allegations, that MPSA’s public denial that it gave him permission to post it was false. In her letter, made the following accusations:

- Accused Dr. Gerber, Dr. Hutchings, and Dr. Morgan of approving of the content of Dr. Jacoby’s April 17, 2018 letter posted on the AJPS website;
- Accused MPSA officers and members of the AJPS editorial board of participating in a conspiracy to engage in retaliatory behavior against Complainant #2 and Complainant #1 for reporting sexual misconduct;
- Accused MPSA officers of lying in the April 18, 2019 “Dear Colleague” letter;
- Accused parties of “conspiring” to conceal unfavorable results of the investigation of Dr. Jacoby; and
- Demanded the “resignation of current leadership of MPSA, including Will Morgan as executive director” and limitation of all involved from current and future leadership roles in the MPSA and all other professional organizations.
- Asked members of the previous AJPS editorial board who were current members of the MPSA Council to step down or to explain why when they received Jacoby’s earlier message about his resignation, they said nothing to stop Jacoby from publishing the same message on the journal website thereby enabling the harassment and retaliation of Complainant #2 and Complainant #1.
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Shortly afterward, on February 14, 2019, the Midwest Political Science Women’s Caucus, who had been copied on Complainant #1’s letter, sent a similar letter and asked for a response to earlier requests for information. On February 20, 2019, MPSA attorney Kathryn Cimera replied to Complainant #1’s letter by e-mail and informed her that the Task Force created by the MPSA would be ultimately responding to her letter and accusations.

Complainant #1’s letter caused MPSA to place its insurance carrier on notice of a possible claim under the policy, and this investigation ensued. Witnesses interviewed expressed frustration with the fact that they observed MPSA officials and council members trying very hard to address the situation professionally and responsibly, and their caution and slow pace improperly being interpreted by outsiders as indifference to the allegations. Some members of the editorial board expressed frustration that they were accused of wrongdoing and were not permitted to defend themselves and provide additional facts that could have altered the perception of Complainant #1 and others about their role or lack of role in Dr. Jacoby’s AJPS April 17, 2018 posting.

I. MPSA Actions at the April 2019 Annual Meeting and Recent Communications

At the MPSA’s April 2019 Annual Meeting, the Council adopted a resolution relating to the handling of Complainant #1’s February 2019 complaint. In the resolution, the Council noted that a Task Force had been created under the MPSA’s prior Code of Conduct to process the complaint; that an outside law firm was conducting a review; and that the report would be provided to the Task Force, which would review the report and determine whether misconduct had occurred. Misconduct is defined as either a legal violation or a violation of MPSA’s policy. The resolution generally provides that MPSA’s new approach to handling internal complaints of misconduct, which will be under the auspices of a new Committee on Professional Ethics (COPE), will apply. The COPE guidelines have not yet been finalized and adopted by the Council, but will be used retroactively to apply to the pending complaint.

After the Task Force initially determines that misconduct has or has not occurred, the parties will have an opportunity to review and provide feedback regarding the Task Force’s preliminary decision. After reviewing any response, the Task Force will either affirm or modify its preliminary finding. If its finding is of misconduct, the Task Force will also make a recommendation on whether a specific correctional measure should be implemented. If the Task Force deadlocks on a decision, the MPSA Vice President with the greatest seniority will adjudicate the decision.

Pursuant to the resolution, the Task Force will draft a written summary of its final decision and recommendations. The Council would then vote on the Task Force’s decision and recommendations, and may either adopt the recommendations in full or make changes to the recommendations. All decisions will be taken by a majority of the Council, and if the Council cannot reach a decision, the complaint will be closed with a decision of no finding. Appeals of the decision must be made in writing within 14 days, and will be made to an ad-hoc appeals committee
made up of the Executive Committee of the MPSA. Any party who is involved in the dispute or closely related to a party involved in the dispute would be recused and replaced by the MPSA Vice President(s) with the most seniority.

On April 6, 2019, MPSA issued a press release noting that Dr. Binder and MPSA Communications Director Melissa Heeke had presented an update to the Midwest Women’s Caucus for Political Science regarding all of the steps that MPSA had been taken in the last year to increase transparency with respect to harassment reporting procedures and policies.

On April 19, 2019, Dr. Binder distributed a letter to MPSA members regarding the actions taken at the April 2019 meeting. The letter highlighted the fact that the Council had embarked upon consideration of establishment of a Committee on Professional Ethics (COPE) that would promote ethical conduct by political scientists and investigate and adjudicate any allegations of alleged misconduct, and impose proposed corrective actions. The letter noted that the COPE proposal was under revision and it was slated for adoption in final form this summer. The Council also adopted a proposal to create two status committees to provide a formal mechanism for MPSA and the Council to receive input from traditionally underrepresented groups. The two nine-member committees identified were a Committee on the Status of Gender and Sexual Minorities in Political Science, and a Committee on the Status of Ethnic and Racial Minorities in Political Science. Binder noted that she and the President Elect would made appointments to those committees. Finally, the letter noted that the Council had adopted a procedure for further handling of the pending complaint against certain MPSA members (meaning the Complainant #1 complaint), which is discussed above. Dr. Binder invited personal contact on any issue relating to the review of the complaint, to the COPE subcommittee and the status committees, and asked members to reserve judgment until the Council had completed its actions, and to recognize that MPSA’s commitment to due process involves an investment of time.

On Wednesday, April 24, 2019, Complainant #1 sent an e-mail to Dr. Binder attaching the previously distributed open letter regarding her pending complaint against the MPSA, and complaining specifically that Dr. Binder had never personally responded to Complainant #1’s expressed complaints and concerns. On April 27, 2019, Dr. Binder replied to that e-mail, and informed her that the Task Force had been formed and this firm had been engaged to conduct a review. She asked that all parties wait until the MPSA had the opportunity to complete the latest investigation and review process before drawing any conclusions.

III. FINDINGS OF FACT

Finding No. 1: On January 4, 2018, Complainant #2 made allegations at the Southern Political Science Association Conference that Dr. William Jacoby, editor of the American Journal of Political Science, the journal of the Midwest Political Science Association, had improperly propositioned her for a sexual relationship while she was a graduate student.
Finding No. 2: In January 2018, the Executive Council of MPSA included President Vincent Hutchings, President Elect Elisabeth Gerber, Immediate Past President Jan Leighley, and Executive Director William Morgan. Dr. Leighley rolled off of the Executive Council on Saturday, April 7, 2019, and Dr. Sarah Binder joined the Executive Council as President-Elect.

Finding No. 3: Upon learning of the allegations by Complainant #2 against Dr. Jacoby, MPSA’s Executive Council initially determined that they needed more information about the alleged conduct in order to assess whether any action by MPSA was appropriate with respect to Dr. Jacoby’s position as an independent contractor employed by Michigan State University and serving as editor of the MPSA’s journal. The Council consistently attempted to adhere to the principles of serving the best interests of MPSA while respecting Dr. Jacoby’s right to due process and respecting the integrity of the alleging parties.

Finding No. 4: Based upon communications appearing on the political science blog “Political Science Rumors,” including a letter purportedly written by Dr. Jacoby denying Complainant #2’s allegations, Complainant #1 submitted a letter to MPSA’s officers rebutting the letter on the blog, alleging a consensual affair between herself and William Jacoby while she was a graduate student and accusing Jacoby of improperly exerting his influence to exploit her.

Finding No. 5: On or about the time that Complainant #1 submitted her letter to MPSA, the MPSA’s Executive Council decided it could not wait for the outcome of university investigations into Jacoby’s conduct and engaged counsel to conduct its own investigation into the allegations with the specific purpose of determining the legal ramifications, if any, for MPSA as a result of the allegations made by Complainant #1 and Complainant #2 and whether MPSA should take any action with regard to Dr. Jacoby’s position as editor of AJPS.

Finding No. 6: MPSA engaged Mallor Grodner attorney Kathryn Cimera to investigate allegations against Dr. Jacoby and assess legal risks to the organization related thereto. Cimera was not instructed to make any findings of fact.

Finding No. 7: MPSA posted five public statements regarding the Jacoby situation in an effort to address concerns raised about Dr. Jacoby’s denial of misconduct. These five (5) public statements were made on January 22, March 26, April 13, April 18, and April 20, 2018.

Finding No. 8: Cimera gave a confidential report on the results of her investigation that did not name the accusers other than Complainant #2 at an executive session meeting of the MPSA Council during the MPSA’s Annual Meeting on April 5, 2018.

Finding No. 9: After hearing the report, the Council debated for hours over the course of two days regarding whether any action against Jacoby was appropriate, and if so, what action was appropriate.
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Finding No. 10: At the close of the executive session, two motions were made for Council consideration: whether to remove Dr. Jacoby as editor of AJPS, and whether to appoint a committee to oversee Dr. Jacoby’s activities as editor of AJPS. Neither motion carried. Rather, the Council’s vote on April 6, 2018 was split 7-7.

Finding No. 11: After the Council meeting ended, MPSA President Vincent Hutchings and President Elect Elisabeth Gerber met with Dr. Jacoby the same day to discuss where the organization stood as a result of the allegations. During that meeting Dr. Jacoby offered to resign, but wished to remain as editor for the remainder of 2018.

Finding No. 12: The day after the meeting with Hutchings and Gerber, Dr. Jacoby e-mailed a draft message to Hutchings, Gerber and Morgan that he wished to send to his editorial board, denying the allegations against him and advising that he was stepping down as editor.

Finding No. 13: During that weekend and into the following week, Dr. Gerber was traveling overseas and Dr. Morgan was dealing with a medical emergency involving his son.

Finding No. 14: Dr. Jacoby, in e-mail messages to Hutchings, Gerber and Morgan, stated expressly that after disseminating his communication to his editorial board, that he intended to disseminate a general announcement that would be a “pared down” version of the message. When Jacoby e-mailed his message to the editorial board he asked them to keep it confidential, thus conveying the impression upon the board that the message was personal in nature directed solely to the board.

Finding No. 15: A number of factors interfered with the E.C.’s ability to monitor and prevent Dr. Jacoby’s publication of his letter denying any unlawful or harassing conduct, including (i) personal commitments and distractions affecting Dr. Morgan and Dr. Gerber in the immediate wake of the Annual Meeting, (ii) Dr. Gerber having just stepped into the role of MPSA President on the weekend of Dr. Jacoby’s e-mail, and (iii) Dr. Gerber’s belief, based on MPSA institutional culture, that the MPSA lacked authority to prohibit Dr. Jacoby from communicating the circumstances of his resignation given the independent nature of the journal and its editorial process. The E.C. believed that Dr. Jacoby would exercise discretion in communicating the circumstances of his resignation and did not assert control over Dr. Jacoby in his messaging.

Finding No. 16: On April 17, 2018, Dr. Jacoby published a letter on the AJPS website denying the charges of sexual harassment against him, calling the allegations against him “false,” and informing his readership that he was going to be stepping down from editorship of the journal.

Finding No. 17: The April 17, 2018 letter published by Dr. Jacoby did not identify Complainant #1 or Complainant #2; did not accuse Complainant #1 or Complainant #2 of
misconduct or lying; and was limited to denying the accusations made against Dr. Jacoby – without attribution – as false.

Finding No. 18: On April 18, 2018, MPSA representatives told Dr. Jacoby to suspend all activities as editor of AJPS pending Council action. The following day on April 19, 2018, the Council in an emergency meeting accepted Dr. Jacoby’s resignation effective immediately.

Finding No. 19: In early 2019, Complainant #2 received portions of the MSU investigative file regarding her Title IX complaint against Dr. Jacoby, which included the e-mail correspondence between Dr. Jacoby and Drs. Hutchings, Gerber and Morgan on between April 8, 2018 and April 11, 2018.

Finding No. 20: In February 11, 2019, Complainant #1 sent a letter directed to “MPSA Officers and Council Members” accusing MPSA leadership of lying and conspiring with Dr. Jacoby to defame and retaliate against Complainant #1 and Complainant #2, based on the e-mails received by Complainant #2 in the MSU file. Complainant #1 asks that all “current leadership” including Will Morgan step down from their positions. On February 11, 2019, “current leadership” would include President Elizabeth Gerber, Past President Vince Hutchings, and President-Elect Sarah Binder.

IV. CONCLUSIONS OF LAW

Based on the above reported facts, the following Conclusions of Law have been reached.

Conclusion 1: Complainant #1’s Claim against MPSA for Conspiracy to Defame Lacks Merit, as There is No Evidence of Defamation Against Complainant #1 or Complainant #2.

Complainant #1 maintains that she “retains her right to sue for conspiracy to defame [her] professional reputation.” In asserting this claim, Complainant #1 does not identify who specifically she seeks to hold liable for conspiracy. Despite this omission, she demands the resignation of the current leadership of the MPSA, including Will Morgan, and she seeks the limitation of all involved from current and future MPSA leadership positions. She also asks for all AJPS editorial board members “involved” (who were also seated on the Council) to step down from their MPSA positions.

A. Plaintiff’s Defamation Claim

1. Any Claim of Defamation Fails as a Matter of Virginia Law

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1 To bring suit in Virginia, Complainant #1 must show that the MPSA and AJPS directed electronic activity into Virginia with the intent to engage in business within the state and that the activity directed at the state creates a
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If Complainant #1 elects to file suit in Virginia, the statute of limitations for defamation is one year. *See Va. Code § 8.01 – 247.1.* Dr. Jacoby posted his allegedly defamatory statement on April 17, 2018. Because more than one year has passed since Dr. Jacoby’s actions, any claim for defamation is barred by the one-year statute of limitations. There is Virginia case law to support the assertion that the limitations period for civil conspiracy is based on the limitations period for the underlying act. *See Bd. of Directors of Lesner Pointe Condo. on Chesapeake Bay Ass’n, Inc. v. Harbour Point Bldg. Corp.,* No. CL00-1893, 2002 WL 32072394, at *9 (Va. Cir. Ct. June 18, 2002) (citing *Cherokee Corp. v. Chicago Title Ins. Corp.*, 35 Va. Cir. 19, 29 (Warren County, 1994) (determination of statute of limitations for conspiracy claim required an examination of the underlying cause of action)). Arguably, any “conspiracy to defame” allegation is also barred by the statute of limitations.

Turning to the underlying defamation claim, to state a claim for defamation under Virginia law a plaintiff must show that the defendants (1) published (2) an actionable statement with (3) the requisite intent. *See Chapin v. Knight–Ridder, Inc.*, 993 F.2d 1087, 1092 (4th Cir.1993) (citing *Gazette, Inc. v. Harris*, 229 Va. 1, 325 S.E.2d 713 (1985)). “To be ‘actionable,’ the statement must be not only false, but also defamatory, that is, it must ‘tend[ ] so to harm the reputation of another as to lower him in the estimation of the community or to deter third persons from associating or dealing with him.’” *Id.* (quoting Restatement (Second) of Torts § 559).

Dr. Jacoby posted the following language on the AJPS website: “It is apparently widely known that allegations related to sexual harassment have been made against me. The allegations are untrue. I never engaged in the behaviors described in the allegations. And, the supposed response from me that was posted on the political science rumors blog is a fake.” (15)

The statement is not defamatory under Virginia law. This statement does not refer to any specific individual and defamatory words “must refer to some ascertained or ascertainable person.” *Draego v. City of Charlottesville*, No. 3:16-CV-00057, 2016 WL 6834025, at *9 (W.D. Va. Nov. 18, 2016) (citing cases). There is no information specifically identifying Complainant #1. Complainant #1 must allege that this publication was sufficient to describe her so that those reading the article knew that this statement referred to Complainant #1. *See The Gazette, Inc.*, 325 S.E.2d at 738 (stating that a plaintiff alleging defamation “need not show that he was mentioned by name in the publication” and that it is sufficient to show that “the publication was in its description or identification such as to lead those who knew or knew of the plaintiff to believe that the article was intended to refer to him”); *see also WJLA-TV v. Levin*, 264 Va. 140, 564 S.E.2d 383, 390 (2002) (noting that a plaintiff may rely upon statements made before
his actual identification, so long as such statements were made by the same defendant concerning the same subject or event over a short period of time). Complainant #1’s allegations were directed specifically to MPSA officers and were kept confidential even from Council members. She likely participated in the university investigations against Jacoby, but that process itself is confidential. If the defamed individual cannot be personally ascertained, then no cause of action exists. *Id.*

Furthermore, Dr. Jacoby’s statements contain likely nothing more than opinion. There is no specific reference to which allegations had been made, who those allegations were made by, the substance of those allegations, other than the fact that they relate to sexual misconduct. Arguably, Dr. Jacoby’s statements express only his opinion and not matters of fact. *See Gov’t Micro Res., Inc. v. Jackson*, 271 Va. 29, 40, 624 S.E.2d 63 (2006). Generally, “[s]tatements that are relative in nature and depend largely upon the speaker’s viewpoint are expressions of opinion.” *Fuste v. Riverside Healthcare Ass’n*, 265 Va. 127, 132, 575 S.E.2d 858 (2003). Because Complainant #1 cannot identify a defamatory statement, then any claim that might be contemplated for conspiracy to defame would prove unsuccessful as a matter of law.

2. **Michigan Law**

Like Virginia, the statute of limitations for libel and slander in Michigan is only one year. M.C.L. § 600.5805(11). Dr. Jacoby posted his article on the AJPS on April 17, 2018. Consequently, by the time of this writing, Complainant #1’s defamation claim is also barred under Michigan’s one-year statute of limitations.

3. **Indiana Law**


Under Indiana law, to establish defamation, a plaintiff must prove the following elements: (1) a communication with defamatory imputation; (2) malice; (3) publication; and (4) damages. *Miller v. Cent. Ind. Cmty. Found.*, 11 N.E.3d 944, 955-56 (Ind. Ct. App. 2014). A plaintiff who sues for defamation must set out the alleged defamatory statement in her complaint. *Id.* A statement is defamatory if it tends “to harm a person’s reputation by lowering the person in the community's estimation or deterring third persons from dealing or associating with the person.” *Kelley v. Tanoos*, 865 N.E.2d 593, 596 (Ind. 2007) (internal citation omitted).
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B. Plaintiff’s Claim of Conspiracy to Defame

1. Any Claim of Conspiracy to Defame Similarly Fails as a Matter of Virginia Law


First, there is no evidence of concerted action or agreement among any MPSA members concerning Dr. Jacoby’s post on the AJPS website. Hechler Chevrolet, Inc. v. Gen. Motors Corp., 230 Va. 396, 402, 337 S.E.2d 744, 748 (1985) (“A civil conspiracy is a combination of two or more persons, by some concerted action, to accomplish some criminal or unlawful purpose, or to accomplish some purpose, not in itself criminal or unlawful, by criminal or unlawful means) (emphasis added). There is no indication that the MPSA possessed any control over the AJPS editor or his choice to post certain articles on the website. Despite the MPSA’s affiliation with the AJPS, the MPSA lacked authority over Dr. Jacoby. There was no vetting or approval process regarding Dr. Jacoby’s decision to post or not to post certain articles. Further, there is no information to suggest that Council members or the Executive Leadership team engaged in any affirmative action to conspire to defame Complainant #1. See AWP, Inc. v. Commonwealth Excavating, Inc., Civil Action No. 5:13cv031, 2013 WL 3830500, *3 (W.D.Va. Jul. 24, 2013) (discussing that in order to plead a claim of business conspiracy a Plaintiff must allege sufficient facts to “infer a meeting of the minds and not mere parallel conduct.”). The failure of Dr. Gerber to prevent Dr. Jacoby from posting his allegedly defamatory statement does not give rise to a conspiracy claim without some evidence of an agreement.

There is no evidence that Dr. Gerber agreed with any other person to defame or otherwise harm any complaining party. Dr. Gerber did not participate in a conspiracy. Moreover, there has been no specific allegation of damage suffered as a result of the alleged conspiracy. Furthermore, to the extent is asserted that the MPSA officers Council members or editorial board members conspired among themselves to defame anyone in their capacity as agents, employees, or directors of the MPSA, an action for conspiracy cannot lie. ePlus Tech., Inc. v. Aboud, 313 F.3d 166, 179 (4th Cir. 2002). The intra-corporate immunity doctrine provides that a single entity cannot conspire with itself. Separate entities do not exist “if a principal/agent or an employer/employee
relationship exists between the parties.” Rogers v. Deane, 992 F. Supp. 2d 621, 633 (E.D. Va. 2014) (citing Perk v. Vector Res. Grp., Ltd., 485 S.E.2d 140, 144 (Va. 1997)). There is also no evidence to suggest that any complaining party suffered legal damages as a result of Dr. Jacoby’s AJPS posting. See Gallop v. Sharp, 179 Va. 335, 338, 19 S.E.2d 84, 86 (1942) (“The gist of the civil action of conspiracy is the damage caused by the acts committed in pursuance of the formed conspiracy and not the mere combination of two or more persons to accomplish an unlawful purpose or use unlawful means.”). Therefore, “to sustain an action [for civil conspiracy] special damage must be proved.” Werth v. Fire Cos.’ Adjustment Bureau, Inc., 160 Va. 845, 854, 171 S.E. 255, 258–59 (1933). For these reasons, it is unlikely that any common law conspiracy claim against MPSA, the Executive Director, or any other individuals associated with MPSA, would be successful.

Moreover, there are insufficient allegations to establish a statutory conspiracy claim under these facts. In a defamation action filed by a college professor against his colleagues pertaining to certain letters that were disseminated to the University community, the Court found that no conspiracy exists under Virginia Code § 18.2-499 “when damage to the ‘professional reputation’ of an individual is alleged. Loria v. Regelson, 39 Va. Cir. 536 (Richmond Cir. Ct. 1996) (citing Buschi v. Kirven, 775 F.2d 1240, 1259 (4th Cir. 1985); see also Campbell v. Board of Supvrs., 553 F.Supp. 644, 645 (E.D.Va.1982); Moore v. Allied Chemical Corp., 480 F.Supp. 364, 375 (E.D.Va. 1979); Ward v. Connor, 495 F. Supp. 434, 439 (E.D.Va. 1980)). “The statute is aimed at conduct which injures a business and which is to be construed to exclude employment from its scope.” Loria, 39 Va. Cir. 536 (citing Buschi v. Kirven, 775 F.2d 1240 (4th Cir.1985); Campbell v. Board of Supvrs., 553 F.Supp. 664 (E.D.Va. 1982)). Because there is no cause of action for conspiracy to damage professional reputation any conspiracy claim regarding defamation of a professor’s professional reputation will likely prove unsuccessful.

2. Michigan Law

Michigan law provides a three-year statute of limitations for conspiracy. See M.C.L. § 600.5805(2); Massey v. Int'l Union, United Auto., Aerospace & Agric. Implement Workers of Am., 462 F. Supp. 2d 780, 785 (E.D. Mich. 2006). Similar to Virginia law, to establish a civil conspiracy under Michigan law a plaintiff must show: (1) a concerted action; (2) by a combination of two or more persons; (3) to accomplish an unlawful purpose; (4) or a lawful purpose by unlawful means. Mays v. Three Rivers Rubber Corp., 135 Mich. App. 42, 352 N.W.2d 339, 341 (1984). A claim for civil conspiracy accrues when all the elements of the cause of action have occurred and the plaintiff knew or should have known of the occurrence. See id. at 342; Nehls v. Hillsdale Coll., 65 F. App’x 984, 991–92 (6th Cir. 2003).

As discussed above, it will be difficult to establish that the Council members conspired to defame any complaining party based on Dr. Jacoby’s decision to post his article on the AJPS website. There are no facts to suggest that Dr. Jacoby consulted or otherwise discussed the posting of the alleged defamatory statement.
Further, there are insufficient facts to demonstrate defamation, thus there can be no claim that the Council conspired to accomplish an unlawful purpose. Under Michigan law, the elements of defamation consist of four basic elements: (1) a false and defamatory statement concerning the plaintiff, (2) an unprivileged communication to a third party, (3) fault amounting at least to negligence on the part of the publisher, and (4) either actionability of the statement irrespective of special harm (defamation per se) or the existence of special harm caused by publication. *Ghanam v. Does*, 303 Mich. App. 522, 544; 845 N.W.2d 128 (2014) (quotation marks and citation omitted).

As discussed more fully above, Dr. Jacoby’s AJPS posting does not identify any individual, make any false statement about a named individual, does not indicate what specific allegations he is addressing, and further likely contains nothing more than Dr. Jacoby’s personal opinion on the matters. Moreover, there are no facts at this time to support any damages suffered by any party from Dr. Jacoby’s posting. Complainant #1 in her February 11, 2019 letter references “conspiracy to defame her professional reputation,” but it is unclear how the posting impeded her ability to be a professor, to publish articles, or to otherwise continue in her career. See *Nehls v. Hillsdale Coll.*, 65 F. App’x 984, 991 (6th Cir. 2003) (citing *Burns v. City of Detroit*, No. 213029, 2000 Mich. App. LEXIS 1688 at *13, 2000 WL 33403017 (Mich. Ct. App. Oct. 31, 2000) (“[P]laintiff did not establish the existence of defamatory statements that were actionable per se, and she was thus obligated to prove the existence of special damages in order to succeed on her defamation claim”)).

For these reasons, any conspiracy to defame claim faces a number of hurdles under Michigan law and will likely be unsuccessful.

3. **Indiana Law**

As discussed above, it will be difficult to demonstrate that Dr. Jacoby conspired with any of the other MPSA Board Members to defame any individual party. Dr. Jacoby’s article does not mention or otherwise discuss named individual. Under Indiana law, a party seeking to make such a claim will be required to specifically identify the defamatory statement. *Miller*, 11 N.E.3d at 955-56. Vague allegations are insufficient to state a defamation claim. *Bd. of Trustees of Purdue Univ. v. Eisenstein, 87 N.E.3d 481, 499* (Ind. Ct. App. 2017), *transfer denied*, 96 N.E.3d 576 (Ind. 2018) (finding that professor could not sustain a claim that university employees engaged in a conspiracy to defame him). Even if Complainant #1 could identify a specific defamatory statement, she will likely be unable to point to any concerted action to establish a conspiracy. Although Dr. Jacoby sent an email to MPSA’s leadership including Dr. Morgan, Dr. Gerber, and Dr. Hutchings, announcing his intention to post a message on the AJPS website concerning the sexual misconduct allegations, there is no indication that anyone actively agreed to injure or otherwise defame any individual.

**Conclusion 2: There Are No Legal Grounds For a Retaliation Claim against MPSA.**
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Complainant #1 has also maintained that she is retaining her right to sue for retaliation for reporting a claim of sexual misconduct. Title VII is generally the mechanism by which an employee may file a federal lawsuit against an employer for discriminatory conduct or retaliation. In this case, Dr. Jacoby was not an employee of the MPSA and similarly, Complainant #1 is not an employee of the MPSA. Further, even assuming Complainant #1 possesses a claim against Dr. Morgan, the Executive Director of the MPSA, the MPSA has only eight employees. An employer with less than fifteen employees is exempt from Title VII’s requirement. *Depaoli v. Vacation Sales Assoc., L.L.C.*, 489 F.3d 615, 622 (4th Cir.2007). As a result, no Title VII claim for retaliation will lie against MPSA in this case.

It is possible that Complainant #1 is attempting to state a claim for retaliation under a state Fair Employment Practices statute that prohibits such conduct. If so, the same difficulties in stating a retaliation claim under a state statute exist as under Title VII, that is, that Dr. Jacoby was not the employee of MPSA, nor were/are Dr. Hutchings, Dr. Gerber or Dr. Binder.

V. RECOMMENDATIONS

Despite the lack of merit to Complainant #1’s legal claims, particularly in light of the fact that she is not an employee of MPSA and is not a member of the association, MPSA’s handling of the allegations against Dr. Jacoby and his public protestation of innocence using the AJPS website nonetheless have caused deep resentment among some members of MPSA. Although MPSA did issue an initial statement denouncing all sexual harassment and misconduct, early on in this process there was nonetheless a question among membership about the organization’s position on the issue. Likewise, while MPSA was committed to due process and to not act upon unsubstantiated rumors, its silence as a result of those efforts in the face of those accusations was interpreted as a defense of Dr. Jacoby and lack of support for Complainant #2. This commitment to due process and to avoid a rush to judgment was interpreted by some as a lack of support for female political scientists who may have suffered sexual harassment during their careers.

Had MPSA communicated more quickly, more strongly and more frequently during the first quarter of 2018 that it denounces sexual harassment, it may have helped to avoid some of the current criticism lodged against MPSA leadership. Likewise, had MPSA communicated more openly about the fact that it wished to provide due process to all parties and for that reason would not be taking any immediate action, that likewise could have assuaged parties who felt the MPSA should immediately fire Dr. Jacoby. Some witnesses observed that when no information is being shared, misinformation tends to circulate to fill the vacuum, and MPSA should have not allowed the informational vacuum to be created by saying so little for so long.

In retrospect, the officers of the MPSA were placed in a difficult situation when being asked to discipline and terminate an independent contractor who was not employed by MSPA for trying to defend himself from claims of harassment dating back decades and not during his tenure editing the journal. Because it took some time to understand their own role and the claims
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raised, some members of the Council were left in the dark about the decision-making process, and MPSA officers quickly became the targets of those who are dissatisfied with the outcome. For this reason, it is recommended that the MPSA should appoint a sub-committee of Council members to assist the E.C. with any similar sort of personnel issue that may be brought to the Council’s attention in the future. Such a committee should include members representing diverse constituencies within the MPSA membership.

It is specifically recommended that MPSA now take the opportunity to do the following (some of these recommendations are in fact already underway at MPSA):

(1) Acknowledge again, as it did on January 22, 2018, that it takes sexual harassment seriously and those who report it seriously.

(2) Acknowledge that in its effort to be fair during the investigative process of the allegations, and likewise due to deadlock experienced by the Council which prevent the Council from reaching a decision with regard to Dr. Jacoby’s status, Dr. Jacoby was allowed to remain in a position of power over the independent journal and that he abused that position by improperly using the journal to express his position on the accusations against him.

(3) Acknowledge that MPSA leadership had knowledge that Dr. Jacoby intended to issue some general statement about his resignation, but MPSA never consented to, approved or ratified Dr. Jacoby’s denial of the harassment allegations against him, and his comments denying misconduct were not defamatory.

(4) Acknowledge that MPSA in 2018 was legitimately constrained in the information it could share regarding a potential legal and personnel-related matter, but it should have provided more, if not complete, information to its constituents about the ongoing issues it was facing and the investigation it was conducting.

(5) Repeat that MPSA has adopted numerous policies that were much needed in the wake of these events that posture the organization better to handle any future situations such as the 2018 situation.

(6) As it has communicated in recent months, MPSA has adopted new policies and procedures and is creating new committees to ensure that any future concern regarding unprofessional or unlawful conduct by one of its members or officers can be addressed more efficiently and through a transparent process going forward.
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VI. CONCLUSION

We appreciate the opportunity to assist in this investigation, and would be happy to meet with you for to further discuss our findings, legal conclusions, and proposed recommendations. With best regards, I remain,

Very truly yours,

Charles G. Meyer, III & Joan C. McKenna
O’HAGAN MEYER
The Council will soon adopt an MPSA Committee on Professional Ethics (COPE) to work in conjunction with the MPSA Council Member’s Code of Conduct (“Code of Conduct”) revised on April 4, 2019. A complaint alleging misconduct on the part of members of the MPSA’s leadership team was received in February of 2019 (“Complaint”) prior to the adoption of COPE. A Task Force was created under the former Code of Conduct to process the Complaint and an investigation of the Complaint was assigned to a third party. As it is in the best interest of MPSA to have clear guidance on any retroactive application of COPE to the Complaint, the Council is herein adopting a modified version of the proposed COPE for further handling of the Complaint.

A report, or summary of report, from the third-party investigation will be provided to the Task Force. The Task Force will review the report and determine whether based on a preponderance of the evidence that actual misconduct (either a legal violation or a violation of MPSA’s policies) occurred. If the evidence supports a finding of misconduct, the respondents will be notified of the preliminary finding of merit. The respondents will have fourteen days to provide a response to the preliminary findings in writing. Upon reviewing the respondents’ response, the Task Force can affirm its preliminary finding and/or modify its preliminary finding. In the event of a finding of misconduct, the Task Force will provide a recommendation to the MPSA Council on whether a Correctional Measure as identified in Paragraph 6 of the proposed COPE should be implemented, and if so, which one. If the Task Force determines that a preponderance of the evidence does not support a finding of actual misconduct, the complainant will be notified of the preliminary finding of no merit. The complainant will have fourteen days to provide a response to the preliminary finding in writing. Upon reviewing the complainant’s response, the Task Force can affirm its preliminary finding and/or modify its preliminary finding. In the event that the Task Force deadlocks on a decision, the MPSA Vice President with the most seniority will adjudicate.

The Task Force will draft a written summary of its final decision and recommendations. The summary may, or may not, include the report on the investigation depending on issues of confidentiality.

A Council meeting will be held to vote on the Task Force’s decision and recommendations. The Council will vote to adopt the Task Force’s decision and recommendations in full, or to adopt the Task Force’s decision but change the Correctional Measures to be implemented. If the Council votes to accept the Task Force’s decision but changes the Correctional Measures, the Council must specify which Correctional Measures will be implemented and the reasons supporting the change. All votes taken on these matters will be by a majority. If the Council cannot reach a decision by a majority, the complaint will be closed with a decision of no finding.
Should any named party to the Complaint wish to appeal the decision and/or any correctional measures, an ad-hoc appeals committee will be comprised of the Executive Committee of the MPSA. Any party who is involved in the dispute or closely related to a party involved in the dispute would be recused and replaced by the MPSA Vice President(s) with the most seniority. All appeals must be made in writing within fourteen days of the final report. Decisions of the ad-hoc appeals committee are final.

After all appeals are final or the time period for filing has elapsed, the Task Force’s written decision and any Correctional Measures implemented will be made available upon request to members of the MPSA.
February 11, 2019

Dear MPSA Officers and Council Members,

This letter is regarding the behavior of the MPSA Executive Director, Will Morgan, the current president, Liz Gerber, the past president, Vince Hutchings, and the previous members of the AJPS editorial board under the editorship of William Jacoby. Specifically, it is my contention that the lack of transparency of the MPSA investigation of sexual misconduct by Dr. Jacoby was deliberate, that it was designed to conceal his misconduct, that this behavior created an environment that permitted Dr. Jacoby to publicly disparage [redacted] and me in retaliation for our complaint, and that these officers and editorial board members were actively involved in the retaliation process, and concealed involvement from MPSA members.

In recent months, Dr. Jacoby provided MSU investigators with an email exchange he had with Liz Gerber, where Vince Hutchings and Will Morgan were CCed on the correspondence. The dates of the email were April 8-11, 2018, immediately following the 2018 MPSA Annual Meeting where the MPSA leadership decided, in secret, to permit Dr. Jacoby to stay on as AJPS editor, unsupervised, until a time of his convenience, and by his own choice.

In Dr. Jacoby’s email, which is attached, he provides a draft of a letter he intends to submit to AJPS editorial board members that attempts to defend his reputation in the wake of these events, but which also defames [redacted] and myself. He specifically denies all behaviors of which we accused him, including acts to which he admitted in private. (This is also made clear in his testimony to MSU investigators, which I will happily provide, but which he also acknowledged to MPSA’s outside investigator, and which is presumably the reason MPSA officers asked her not to provide a written report of her investigation or a written summary.) He claims that the MPSA investigation cleared his name, but the attorney hired by MPSA made it clear that this was not the case, as did the results of the MSU investigation. Again, he admitted to misconduct during the course of this investigation. Liz Gerber replies to his draft, and helpfully points out that he had not one accuser, but two, and expresses support for his comments about the outcome of the investigation even though she knew them to be false, thus participating in his effort to
defame both [redacted] and me, by intent. She specifically tells Jacoby that she has no problems with his letter or the claims therein, and Gerber is made aware by Jacoby in this correspondence that he plans to circulate the letter to the AJPS editorial board soon thereafter.

The tone of the correspondence is extremely sympathetic, and Gerber expresses no concerns whatsoever for his misdeeds. Nor are any concerns expressed about the reputation of the AJPS or MPSA. Rather, Gerber makes quite clear that her sympathies lie with Dr. Jacoby, and that she is happy to support him in his attempts to maintain his reputation and defame his victims. This is quite consistent with Gerber’s treatment of [redacted] and me throughout the events of that time period. While I wrote her several times to express my concerns about the investigation, the original seemingly light penalty, the lack of transparency of the investigation and the decision making process, and the retaliatory actions of Dr. Jacoby, she never once replied to my emails or attempts to contact her by [redacted].

On April 17, 2018, Dr. Jacoby published the statement he provided the AJPS board and Gerber, Hutchings, and Morgan, on the AJPS website. It was widely viewed in the discipline as retaliatory and inappropriate. Numerous members of the MPSA community resigned their memberships in protest because MPSA had conducted a non-transparent investigation with member funds, and because Dr. Jacoby had been permitted to use a journal as a public forum to retaliate against those of us who accused him of sexual misconduct without providing his victims with a similar opportunity. Negative press ensued.

On April 18, 2018, Gerber posted a “Dear Colleague” statement on the MPSA website where she claimed to be concerned about sexual misconduct writ large, suggested that it had just been brought to MPSA’s attention that Dr. Jacoby had posted a statement, and that no one at MPSA was aware of or authorized any of Jacoby’s remarks. This is patently untrue. Jacoby clearly notified Gerber of his intent to post this content on the AJPS website in their earlier email exchange, which he later provided to MSU investigators as “evidence” that he did not retaliate against [redacted] and me because, he argued, Gerber and the officers of the Midwest had approved the content of the posting and the posting itself well in advance.

[redacted] and I find this series of events remarkable. We don’t believe that the actions of Gerber and others excuses Dr. Jacoby’s retaliatory behavior; rather, we find this to be evidence that the officers of MPSA participated in a conspiracy to engage in retaliatory behavior against us for filing a complaint about sexual misconduct. Further, these same officers then lied about this behavior to MPSA members. Moreover, we also believe this email exchange is evidence that the AJPS board members are also implicated, in that they also received this retaliatory statement well in advance of its appearance on the AJPS website, but later pretended to be surprised and dismayed at its contents. None of them spoke up previously, or disclosed having received this letter. This behavior is
disgraceful, unprofessional, and all of the participants have exhibited an inability to be trusted with any position of power in this discipline.

MPSA’s code of professional conduct, while it apparently binds participants of conferences solely for their behaviors while attending conferences, should also apply to the behavior of its officers and staff while in performance of their duties for the organization. These responsibilities are ongoing, and the actions of Gerber, Hutchings, Morgan, and the AJPS editorial board took place outside of the MPSA Annual Meeting. Using MPSA and APSA resources, professional roles and responsibilities, and the powers accrued therein, to retaliate against myself and and to create the impression that we were engaged in a process of false accusations is inherently harmful not only to us, but to women in the profession, generally. It creates a hostile and threatening environment for anyone who has been sexually harassed, or otherwise mistreated by someone in a powerful position and who happens to have powerful friends. None of the individuals who conspired to edit, distribute, or conceal this letter, or to conceal the results of an unfavorable investigation of Dr. Jacoby, can be trusted to render fair judgment of others in this discipline—in that if they can manage to disregard sexual misconduct when it involves an ally, they can disregard any lesser misconduct as well. The lack of professional ethics is simply astounding.

Please note the relevant portions of the MPSA professional code of conduct below:

- Threats or actions that cause or threaten personal harm
- Threats or actions that cause or threaten professional harm, punishment or retaliation
- Intimidating, harassing, abusive, derogatory or demeaning speech or actions
- Prejudicial actions or comments that coerce others, foment broad hostility or otherwise undermine professional equity or the principles of free academic exchange
- Deliberate intimidation, stalking or following

I have long had to avoid the MPSA annual meetings because I no longer felt safe there. This was primarily because of the presence and influence of Dr. Jacoby and his spouse, Dr. Saundra Schneider. Given the behavior of the officers of the organization and the previous AJPS editorial board, I feel even less safe now than I have in the past.

I am attaching a list of the individuals who were members of the AJPS editorial board the week prior to the email exchange between Jacoby and Gerber. Because Dr. Jacoby stated his intention of sending the letter, later posted on the AJPS website, to all of these members, it is my expectation that every person on this list saw the contents, knew the letter would be posted, and chose to stay silent and pretend no member of MPSA had seen the contents in advance. If they behaved otherwise, they are free to speak for
themselves and say so.

only recently received the email exchange between Gerber and Jacoby, as part of her appeal process at MSU. (To clarify: MSU did find Jacoby responsible for a pervasive pattern of sexual misconduct based on three reported cases, including our own, over a course of several decades. That finding still stands. They interviewed the same witnesses as the MPSA investigation to reach this conclusion. filed a separate charge of retaliation, based, in part, on the AJPS letter that Jacoby posted on the journal website. The email exchange with Gerber was provided by Jacoby as part of his defense.) Had we been aware of the deception and misconduct by MPSA officers earlier, we would have made a complaint earlier, and publicized this misconduct at the time it happened. I am free to do so now because the investigation of this charge has been concluded.

I am attaching the Gerber-Jacoby email exchange submitted to MSU. I am attaching Dr. Jacoby’s AJPS statement, which I archived at the time I viewed it on the AJPS website. I’m also attaching Gerber’s “Dear Colleague” letter from the MPSA website, which is dated and still archived on the site. And, I am attaching a complete list of the AJPS editorial board because it is my contention that they engaged, along with MPSA leadership, in a conspiracy to intimidate and demean, and to undermine professional equity through their receipt of Dr. Jacoby’s letter, and their subsequent silence and tacit participation in efforts to conceal MPSA’s prior knowledge of and coordination with Dr. Jacoby’s retaliatory actions.

I seek the resignation of the current leadership of MPSA, including Will Morgan as executive director, and I also seek the limitation of all involved from current and future leadership roles in MPSA and all other professional organizations. Some of the members of the previous APSA editorial board are members of the current MPSA council. I am asking them to step down from their positions as well, or to satisfactorily explain their actions as recipients of the AJPS website statement in advance and their subsequent silence and their decision to enable the harassment of and I in retaliation for filing a complaint of misconduct. I retain my right to sue for conspiracy to defame my professional reputation, and for retaliation for reporting sexual misconduct. may decide to make her own statement, and she may also seek her own legal action as a result of this misconduct. These choices are hers alone, and I cannot speak for her in these matters. The behaviors of MPSA and Dr. Jacoby were directed at us both, and we experienced the same harms, by intent, as a result of these actions. Thus, by MPSA’s actions to conceal misdeeds, and conspiracy to defame and retaliate, we were treated as a single target. But, we retain our individual right to seek justice.