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MCC HEADS TO COURT

Tenure-track professor alleged discrimination based on political views

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MCC is headed to court to defend itself against allegations that it denied renewal of instructor Dr. Michael Filozof's contract based on his conservative political views. On Oct. 28 U.S. district Judge Larimer denied MCC's request to have the case thrown out but also rejected Filozof's claim that he was discriminated against based on his race or gender. A court date is being scheduled in 2009 to determine whether or not Filozof's conservative political views played a part in why his contract was not renewed. "Professors- no matter what their

political views- should be judged based on their performance in the classroom...No professor should ever be afraid for his job based on his political views" Dr. Filozof said in a statement.

Court documents stated that Dr. Filozof was on a tenure-track contract with MCC during the 2002-2003 school year as a Political Science professor in the Anthropology, Sociology, History and Political Science Department (ASHP). Tenure-track faculty are evaluated yearly for renewal of their contracts, once teachers reach five consecutive renewals they are granted tenure. In Oct. 2003, Filozof was evaluated by the History-

Political Science Discipline cluster who recommended that his contract be renewed stating that he was "an exceedingly gifted teacher who knows what it takes to get the students to a higher level of understanding."

Despite the recommendation in Nov. 2003, the ASHP Department Chair at the time, Susan Belair, recommended against the renewal stating that he had interpersonal difficulties and that Filozof had not participated in adequate college activities required for renewal. Filozof argued that he had participated in college activities such as membership on an assessment committee and par-



submitted photo

ticipation as a faculty senator and faculty senate committee member. Belair did not return phone calls for comment.

Former Liberal Arts Dean Chet Rogalski also recommended against renewal on the

grounds that Filozof failed to keep "an open mind" in regards to the "tremendous opportunity to learn from his chair on how to be successful at the college" as stated in testimony.

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recommendation to not renew his contract also relied on a heavily detailed timeline of incidents committed by Filozof such as an email where he referenced Vice President Janet Glocker as "JGlo," the amount of time Filozof kept his office door shut, and an incident in which he extended Belair an invitation to lunch. Dean Rogalski testified that Belair placed a spotlight on Filozof and was "more concerned with documenting Michael's actions and words than listening to Michael."

The relationship between Belair and Filozof became especially rocky when former ASHP Secretary, Diana Rayner, testified that she was pressured into filing a sexual harassment complaint against Filozof by Belair for an incident where "in a Shakespearian manner" Filozof bowed and kissed her hand.

It was during the 2002-2003 school year the Iraq war intensified, which led to many political discussions among faculty and staff. At this time Filozof displayed an American Flag sticker with a Pro-Bush administration slogan on his office door. In testimony Chairperson Belair, Dean Rogalski and Vice President Glocker stated that

they were aware that Filozof held conservative republican beliefs. Additionally, Rogalski testified, "Michael often argued with his chair defending himself as always right...when I suggested that his approach was philosophically conservative in nature, Michael refused to have an open mind."

According to court documents MCC urged that it was not his political beliefs but his belief that they alone are correct that was the problem. Judge Larimer stated that, "In essence, it was the strength of Filozof's convictions, and not their content, that doomed him." There was no evidence to suggest that Filozof had held the same convictions in the classroom. In a positive performance review, Belair stated that Filozof had tolerance for alternative viewpoints from students and that "the students were respectful of Filozof as he was of them." MCC does not restrict the expression of political beliefs but states that faculty and staff cannot use MCC's resources to campaign for any candidate.

To have the case dismissed the burden of proof was on MCC to show that it would have discontinued Filozof's contract regardless of his political

beliefs. "This has been a long road for Dr. Filozof...He should have been judged based on his skills, not his political beliefs outside of the classroom," said Nelson Thomas, partner at Dolin, Thomas & Solomon LLP, attorney for Dr. Filozof.

Judge Larimer ruled that whether Rogalski's repeated reference to Filozof's "open-mindedness" was another way to say that Filozof was being punished because he disagreed with his supervisors politically would have to be decided by a jury at a later date. The judge also ruled that any race, gender or religious discrimination claims against MCC be dismissed on the grounds that Filozof could not offer sufficient evidence. MCC released a statement saying, "MCC is gratified that Judge Larimer saw the lack of merit in many of Dr. Filozof's allegations. The college welcomes the opportunity to present its case at trial and demonstrate that the decision to not renew Dr. Filozof's teaching contract was sound and in the best interest of the college and its students."