

17. Following the meeting with the Dr. Badiru, I asked to talk to the Provost, Dr. Sritharan, before he made his decision on the recommendation to deny my tenure application. I told Dr. Sritharan about the Department Committee meeting, the problems with the process, the false accusations, the negative bias and the lack of evaluation of my career contributions. I also requested that in the future, other tenure candidates should not be denied the opportunity to respond to allegations before the Department Committee votes. During the meeting Dr. Sritharan stressed that I should leave the University as soon as I could. He agreed that it was wrong for accusations of misconduct to be aired during the Department Committee meeting, indicating that legal review was now complete and that legal review agreed that such accusations should not have been raised.

18. Thereafter, I met with Dr. Stewart, Chancellor. I told Dr. Stewart about the Department Committee meeting, the problems with the process, the false accusations, the negative bias and the lack of evaluation of my career contributions. I also requested that in the future, other tenure candidates should not be denied the opportunity to respond to allegations before the Department Committee votes. Dr. Stewart agreed that the Department Committees should not discuss accusations of misconduct during the Department Committee meeting, and he told me that he would talk to the Provost about my case but I should not expect anything new.

19. In 2017 the Standing Rules were amended with the statement "If serious question about the vita arise, the candidate should if possible be given the opportunity to address the issue before the Department Committee takes its vote. Regardless, the candidate's rights at that point in the process are given in Paragraphs 4.7 and 4.8."

20. On January 10, 2017, I was teaching a class in my human behavior course. The class was intended to illustrate how bias influences decisions. I was focusing on how racial and sexual stereotypes lead to poor decisions. The stereotype I used during this class was the proposition that African-Americans have large feet. My intention was to take a sensitive subject and use an inoffensive stereotype to exhibit the significant impact that even non-pejorative stereotypes on what should supposedly be a rational thought process. In an out of class discussion with two African Americans at Syracuse University both men told me that stereotype was the only racial stereotype that didn't offend anybody. During the class, Lt. Harold objected to my mentioning the stereotype. Immediately after class, I asked Lt. Harold if my use of the stereotype as an example had made her uncomfortable in class. She said that it had not, but that she thought the use was inappropriate.

21. I later learned that Lt. Harold had reported her concerns to the chain of command, which were the subject of a meeting on or about January 13, 2017. The meeting was held by Dr. Stewart, Chancellor. In attendance were Dr. Pignatiello and other members of my chain of command. During the meeting, Dr. Stewart stated that he had "zero tolerance" for such remarks, and he made it clear that he wanted me punished. On January 17, 2017, I received notice that disciplinary action was being considered, and that I was relieved of my classroom duties and

restricted from attending any lectures, seminars, thesis defenses or dissertation defenses. Dr. Pignatiello told me about the meeting with Dr. Stewart and his statement of the "zero tolerance" policy when he informed me that I was being suspended from teaching and was under investigation. He also informed me that I should not have made Dr. Stewart angry.

22. Once Dr. Stewart asserted his view that he had zero tolerance and that I should be punished, it became a matter of "The General wants ...", which is common jargon in the USAF for disregarding any objections to actions the speaker directed to be taken. It is an expression to communicate the idea that a decision has been made, the course of action does not need to be further justified, and the direction needs to be fulfilled, quickly.

23. On Jan 17, 2017, when I was informed that I was under investigation and suspended from teaching, I asked to know what I was being charged with. Dr. Pignatiello said that, other than statements made in class, he did not know. When I asked if he would find out and let me know what I allegedly said he told me he would not. I did not find out what I was alleged to have said until 13 February when the Investigating Office finally interviewed me. I had asked for a copy of the allegations. At that point he informed me that he could not give me a copy of the allegations but he could read them to me. Although I had told him I would not be prepared to respond to the allegations until I had a chance to think about the charges, he proceeded to immediately pressure me to make a statement telling me that the report was due and any delay would delay the report.

24. When I finally found out what the allegations were, I was shocked to find out I had been accused of saying "high rho" in class on Jan 10. High rho is a term we use in Queueing Theory and it refers to high capacity utilization. We did not discuss Queueing Theory that day and I had no reason to use the term. I had used the term frequently in the previous quarter, when I taught Queueing Theory, but never in a manner to mock Asians. Since AFIT presumably interviewed everybody, and not a single person claimed I had said it, including Lt. Harold, that is not a "lack of evidence" but rather proof that the charge was false. Indeed, the charge was never true, had never been alleged, and AFIT knew it, but they charged me anyway. Since they continued to prosecute me on that charge, even after I pointed out what should have been obvious to them that there was no evidence, it became abundantly clear that it was not a simple mistake. What I did, or did not do, obviously had no bearing on the final outcome. To this day I am shocked and discouraged that so many people at AFIT would break their oath of office so callously.

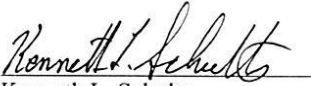
25. The Notice does not charge me with violation of any regulation. Every time I asked for information on what regulation I had violated I was stonewalled. The list of regulations that the proceedings "were in accordance with" kept growing, to include, by reference, the entire 5 USC, but I was never told what I had violated. When I asked Dr. Pignatiello, the person recommending my suspension, what regulation he was accusing me of violating, he could not answer and referred me to Ms. Lee. It was very difficult to respond to the Notice without information on what regulation I had allegedly violated. I repeatedly asked, verbally and by email, for a copy of the Investigation (CDI) report. I was repeatedly denied. On 23 May, when Dr. Pignatiello

informed me of his proposal to suspend me I asked for a copy of the CDI report. He informed me that the five statements I was given were all the information that had been used to prepare the proposal. When I persisted, he informed me that I could ask Ms. Lee at base Human Resources for a copy of the report but told me that "You will never see it." (or words to that effect.) The claim that the five statements were all that were used to prepare the action against me, and that I would not be allowed to see a copy of the CDI were later confirmed by Ms. Lee, base HR, by Dean Badiru, and by Chancellor Stewart.


26. Dr. Badiru dated his decision July 13 and ordered a suspension for July 18 and 19. AFIT was aware that I was away from the office on official Travel until the 17th, giving me only one day to prepare for the suspension. This is in direct violation of the regulation which requires a 10-day advance notice. When I asked Dr. Badiru why, after 6 months, the sudden rush he replied that it was done to stay within the 6-month requirement for disposal of EO Cases. In the end I was punished, allegedly, "to promote the efficiency of the service." This is the Air Force way of saying "You did not violate any law or regulation but 'the General wants you punished.' It is very difficult to defend oneself against charges of "the General wants ..." I based my defense on 'the general doesn't really want' to violate the Constitution, but obviously I was incorrect in that assumption.

27. Since being denied tenure I have applied for many jobs at a wide range of schools. However, because of AFIT's denial of my tenure application, I have not received any offers. Schools are reluctant to hire someone who has a good research record but was denied tenure at a school such as AFIT. By denying me tenure, AFIT has made it tremendously difficult to find suitable employment. I also believe that some faculty members at AFIT have stated that AFIT denied my tenure application because questions were raised about the veracity of my C.V., or that I was found guilty of EO violations. In either case, this kind of "rumor" would end any chances of continuing my career.

FURTHER AFFIANT SAYETH NOT


Kenneth L. Schultz

Sworn to and subscribed before me on this 27 day of May, 2019.


Notary Public
J. R. FOLKERTH JR., Attorney at Law
Notary Public, State of Ohio
My Commission has no expiration date
Section 147.03 O. R. C.

