



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

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19 October 2017

MEMORANDUM FOR AFIT/ENS

ATTENTION: DR. KENNETH L. SCHULTZ

FROM: AFIT/CL

SUBJECT: Formal Grievance Decision

1. On 31 July 2017, you filed a formal grievance under the Wright-Patterson Air Force Base (WPAFB) Civilian Personnel Administrative Grievance System (AGS). You presented the grievance to Dr. Adedeji B. Badiru, Dean, Graduate School of Engineering and Management, AFIT/EN. Dr. Badiru did not receive your official grievance until 15 August 2017. In your grievance, you contend that the disciplinary action (2-Day Suspension) taken against you by Dr. Badiru was improper and not in accordance with established procedures and regulations. You indicated that your Freedom of Speech (1st Amendment Rights to Speech) in the classroom was violated. Additionally, you questioned whether or not you were provided sufficient substantiation (due process) in efforts to respond to the Notice of Proposed Suspension issued by Dr. Badiru on 23 May 2017, and you questioned whether or not the Commander Directed Investigation (evidence) substantiated you using the term "high rho" in the classroom on 10 January 2017, which was considered a discriminatory remark? Your requested remedy are as follows: a) Decision to Suspend, dated 13 July 2017, be set aside; b) No further accusations of inappropriate conduct be made against you, as a result of the incident (conduct) or matters related to the incident; c) A statement of exoneration be issued exonerating you of any wrongdoing; d) Complete reimbursement of all monetary losses and all costs that may have resulted or will result from the process or decision plus interest; e) Clarify, in writing, the nature of the misconduct of those who participated in the accusation, investigation and decision.

2. I have carefully reviewed and thoroughly considered all the information contained in the disciplinary action and your formal grievance. In addition, I have reviewed the applicable provisions of the Air Force Instructions (AFI) noted below:

- a. AFI 36-703, Civilian Conduct and Responsibility
- b. AFI 36-704, Discipline and Adverse Actions – Civilian, Attachment 3
- c. AFI 36-706, Administrative Grievance System
- d. AFI 36-2706, Equal Opportunity Program Military and Civilian.

3. Based on my review of the facts and applicable AFI's, I find that the allegations of inappropriate conduct by you relative to Air Force policy, on or about 10 January 2017, were adequately substantiated, with one exception. There was no evidence to support the allegation that alleged you made a statement using "high-rho" (or words to that effect) to mock Asians. Although mentioned in your proposed discipline, the deciding official (Dr. Badiru) did not consider that remark as the basis of your discipline. The discipline was taken based on your

inappropriate conduct and discussion in the classroom regarding stereotypes and your references of African American males, which offended students and was deemed inappropriate for professional classroom discussions. Therefore, I find the discipline taken in this matter was appropriate and in compliance with established Air Force Instructions outlined in AFI 36-704, Discipline and Adverse Actions – Civilian, Attachment 3.

4. Furthermore, based on my review, I find that your statements in the classroom were inappropriate and (based on applicable case law) not protected under the 1st Amendment Rights to Freedom of Speech. In addition, you were provided with all evidence and substantiation that was considered and used as a basis to propose a disciplinary action. You were afforded the procedural due process including the extension of time granted to you to prepare your response to the Notice of Proposed Suspension. Your rights as an employee and due process is consistent with the guidelines outlined in 36-704, Section E, of said instruction.

5. The teaching point you were attempting to make to our students, i.e., the decision bias introduced by unsupported stereotypes, is clearly and unquestionably an important one. However, the specific examples you chose to make your point were, in my opinion, very ill-considered, not consistent with Air Force values and policy and, by the official statements of some of your students to the investigating officer, offensive (and/or at least deeply concerning/troubling). Therefore, it is my decision to deny your requested remedies.

6. This decision is final with no opportunity for further review of this issue under the WPAFB AGS. If you have any questions regarding this matter, you may contact our servicing Human Resources Specialist (Employee Relations), Ms. Stephanie L. Lee, 88 FSS/FSMCZB, Area A, Building 2, extension 904-3417.



TODD I. STEWART, PhD  
Director and Chancellor  
Air Force Institute of Technology

Cc:  
88FSS/FSMCZ  
AFIT/EN/ENS/JA  
HQ AU Det 1/CC  
~~MEMORANDUM FOR AEGSC SANDS/CL~~