

University of Michigan terminates provost amid unspecified sexual misconduct allegations

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Last Wednesday, Mark Schlissel, president of the University of Michigan in Ann Arbor, terminated Martin Philbert, the school's provost (chief academic officer of the university) and executive vice president for academic affairs, nearly two months after Philbert had been placed on paid administrative leave following as-yet unspecified allegations of sexual misconduct.

The termination came via letter from Schlissel, according to the *University Record*, the official source for faculty-staff news at the University of Michigan. The letter stated that the president had “lost confidence” in the provost based on information that had come to light in the investigation that began in January. The information in question has not been made public.

Philbert's career at the university dates to 1995 when he was hired as an assistant professor in the school of public health. He became full professor in the following years and then, in 2004, senior associate dean for research. In 2010, he became dean of the school of public health and finally, in 2017, provost. As provost, he was responsible for academic affairs and the establishment of budgets for the different schools in the university.

Wednesday's announcement also indicated Schlissel would request the UM Board of Regents to approve Susan M. Collins, a public policy and economics professor at the university, as interim provost. While Philbert retains his faculty status—for the moment—he has lost his job as provost.

On January 22, Schlissel announced Philbert's leave pending an investigation that had started only the previous week, on January 17. At that time, the president stated, “It remains early in the investigation,

and no findings or conclusions have been reached.” Nor were any presented publicly between that point and Schlissel's March 11 letter. As recently as February 20, Schlissel said, “We want to know all the facts, and it's critical that we ensure a thorough, fair and independent investigation that provides Dr. Philbert with due process.”

Such “due process,” whatever that might entail, has taken place entirely behind closed doors. During the interim, several media reports drew attention to previous allegations against Philbert and claims by unnamed sources of misconduct. In addition, and in violation of basic democratic norms, statements from the university and reports in the press amalgamated Philbert's case with that of a university physician alleged to have committed multiple acts of sexual assault against athletes over the course of decades at UM.

With respect to the provost, the media, principally the *Detroit News* and *Detroit Free Press*, have drawn attention to a case filed by a former employee in his lab in the school of public health. On February 6, the *News* reported that in 2004 Thomas Komorowski, the lab employee, alleged he was terminated by Philbert because the latter wished to retain a female employee instead with whom he (Philbert) had had an inappropriate relationship. There were also claims by the plaintiff of age discrimination. The university settled the case in December 2005 for \$191,937. Philbert remained in his position and was later promoted.

In a February 12 article that seems calculated to inflame public opinion, headlined, “High-ranking UM official has years of misconduct allegations—and school

knew,” the *Free Press* asserted that “[m]ore than 20 women” had made sexual misconduct complaints. These are attributed only to “multiple sources with knowledge of the investigation.” The article indicates only three complaints were made to the university, the implication being that the others were unearthed by the investigation. Of the three, one was Komorowski’s lawsuit and the other two were made after Philbert had been placed on administrative leave. The article makes the essentially slanderous claim that, “[w]hile the allegations against Philbert were a surprise to many, they were a rerun to many, who said Philbert had been reported before.”

A later passage, after acknowledging that the provost had been seen as outgoing, empathetic and caring, noted, “[s]ome saw him as narcissistic and manipulative” and that he made unspecified “overtures” which “went over the line.” The article goes on to cite the question of an undergraduate student, who did not have experience working with the provost, “Why was a person like Philbert promoted to such a powerful and important position as the provost?” The student is the founder of a group that works “to help sexual assault survivors get involved in activism” and which is opposed to allowing those accused of sexual assault to cross-examine their accusers.

These citations, which combine references to “sexual misconduct” and “sexual assault,” are highly prejudicial given the current circumstances at UM. Since the beginning of the year, a very different case has been unfolding at the university. Dr. Robert Anderson, who worked at UM from 1968 to 2003 (and died in 2008), is alleged to have sexually assaulted many young men on the college’s wrestling, hockey and football teams. The athletes have alleged that they were subjected to unnecessary examinations of their genitalia and rectums and that Anderson exposed himself to them. Several lawsuits have been initiated against the university over its handling of previous complaints about Anderson. Media reports indicate that more than 70 have called a hotline to report abuse by Anderson. One suit calls for class action status to be granted.

Under these conditions, and without making a distinction between sexual misconduct in the form of comments that Philbert is alleged by unnamed sources to have made and the sexual assault alleged to have

been committed by Anderson, the university has in effect amalgamated the two cases. On February 25, the *Detroit News* reported, “The University of Michigan announced Tuesday it will offer free counseling services to anyone who was affected by former university physician Robert E. Anderson or Provost Martin Philbert, both of whom have been accused of sexual misconduct.”

A timeline posted by the newspaper on the previous day headlined, “Everything we know about the sexual abuse investigations at University of Michigan,” lists a single chronology to organize reports of the two cases in one list. The effect is to strongly imply that the two cases are of the same character. It is hard to imagine that the casting of events in this way did not contribute to the termination of Philbert before any report, let alone criminal prosecution, has been made public.



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