

**In the Matter of Professor Louis Wozniak** )  
 )  
**Department of Industrial and Enterprise** )  
**Systems Engineering** )  
**College of Engineering** )  
**University of Illinois at Urbana-Champaign** )  
 )  
**Proceedings Pursuant to Article X** )  
**of the University Statutes** )

**REPORT OF THE BOARD OF TRUSTEES**

Louis A. Wozniak is an Associate Professor in the College of Engineering. On September 23, 2013, the Board of Trustees held a hearing pursuant to Article X of the University Statutes to consider whether Prof. Wozniak should be dismissed from the faculty of the University. For the reasons set forth below, the Trustees find that Prof. Wozniak can no longer be relied upon to perform his university duties and functions in a manner consonant with professional standards of competence and responsibility. Accordingly, the Trustees resolve unanimously that Prof. Wozniak should be dismissed from the University. In reaching its conclusion, the Board reviewed a series of faculty reports and recommendations which considered Professor Wozniak's actions including: the Committee on Academic Freedom and Tenure, the Grievance Committee of the College of Engineering, the Faculty Advisory Committee, and members of the Faculty Senate. Further, because Prof. Wozniak's continued misconduct involves the most important mission of the University -- the relationship of trust and confidence between faculty and students -- the Trustees further find that Prof. Wozniak's dismissal shall be effective immediately.<sup>1</sup>

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<sup>1</sup> The three student trustees did not participate in the consideration of this matter as it involved issues of tenure. See 110 ILCS 310/1.

## **I. INTRODUCTION**

The Board of Trustees is aware of the importance of the issues involved in this matter and has reached its decision after considerable review and discussion. Tenure is a matter of fundamental importance to the University of Illinois and any institution of higher education. For more than a century, the rights and responsibilities provided by tenure have established the foundation of academic freedom for our faculty. The University awards tenure very selectively and it is rare for situations to emerge in which revocation of tenure is considered. We do not consider revocation of tenure lightly.

## **II. FACTUAL BACKGROUND**

Prof. Wozniak is an Associate Professor in the Department of Industrial and Enterprise Systems Engineering (IESE) in the College of Engineering at the University of Illinois at Urbana-Champaign. Professor Wozniak joined the faculty in 1967 and has had tenure since 1972, when he was promoted to Associate Professor. Prof. Wozniak has been an Associate Professor with tenure at the University since that time.

### **A. The Student Teaching Award**

In the spring of 2009, Prof. Wozniak became convinced that he had wrongly been denied an Excellence in Teaching Award from the Student Honor Societies of the College of Engineering, Gamma Epsilon and Alpha Pi Mu. The award included a plaque and a \$500 prize. Prof. Wozniak's subsequent "investigation" of the selection of the winning teacher for the 2009 award involved, among other activities, interrogating the student president of one of the honor societies to the point of tears, filing a civil lawsuit against two students seeking monetary damages, filming a YouTube video of his allegations of wrongdoing and publishing his accusations in a series of emails and website postings.

In light of Prof. Wozniak's challenges, the College of Engineering conducted its own internal investigation and found no wrongdoing by the students, the department head or the staff. Prof. Wozniak responded by filing grievances with the Engineering Department and the College Grievance Committee. Both of these bodies found no wrongdoing in the selection of the award.

In March 2010, Prof. Wozniak approached the new student leaders of the Student Honor Societies to discuss the award selection process for the new academic year. The students leaders were aware of the plight of their predecessors and approached the faculty about their concerns that Prof. Wozniak might take similar actions against them. In particular, the student leaders expressed concern that Prof. Wozniak might retaliate against them, including influencing their grades in their Senior Design Course.

Concerned by the nature of Prof. Wozniak's actions, Dean Ilesanmi Adesida wrote to Prof. Wozniak on March 30, 2010, and instructed him explicitly not to have any further interactions with students about whatever concerns he might have regarding the teaching award. Despite these instructions, several weeks later, Prof. Wozniak emailed students a video he had prepared expressing his views about the 2009 award. As a result, Dean Adesida concluded that Prof. Wozniak should not be assigned teaching or advising duties for classes beginning in the Fall 2010.

In the Spring 2011, the College of Engineering Grievance Committee (CGC) held a hearing to determine whether Prof. Wozniak should be returned to teaching duties. Reviewing the record of controversy since the 2009 student teaching award incident, the CGC concluded that Prof. Wozniak had evinced a "consistent, flagrant disregard of students' privacy rights and a willingness to violate" those rights. The CGC stated:

In short, Professor Wozniak has demonstrated over a considerable time period, over a range of incidents, with a number of students and faculty, and after

repeated warnings about the impact on students of his behavior, no concern for the hostile climate his behavior creates for many students; repeated harassment and attempts to contact students about matters for which they have clearly indicated no desire for further discussion; willingness to damage the reputation of students who stand in his way.

The CGC concluded:

We find his propensity to harass students and to create a hostile environment, even after clear and repeated concerns expressed by his department head [Dean Adesida], and the students themselves, beyond doubt severe, persistent, and pervasive enough to demand protection of the students from further interactions with Professor Wozniak.

Based on the conclusions of the CGC, in April 2011, the College of Engineering approached the Office of the Provost to begin proceedings under Article X of the University *Statutes* to terminate Professor Wozniak's tenure and his employment with the University. These matters were referred to then University President Michael Hogan. On May 12, 2011, President Hogan delegated to then interim Vice President and Chancellor Robert Easter the responsibility to oversee the drafting of specific charges for the possible revocation of Prof. Wozniak's tenure.

Chancellor Easter consulted with the Faculty Advisory Committee and, following its recommendation, submitted written charges pursuant to Article X in August 2011.

#### **B. The CAFT Proceedings**

As is his right under the University *Statutes*, Prof. Wozniak requested a hearing before The Committee on Academic Freedom and Tenure ("CAFT") to review the charges. CAFT held six days of hearings from January through April 2012. On January 9, 2013, CAFT issued its Report on the charges. CAFT concluded that while Prof. Wozniak's conduct was grounds for considerable concern, the charges presented were insufficient to constitute grounds for revocation of tenure and dismissal. The CAFT Report warned, however:

[t]he Hearing Committee unanimously urges Professor Wozniak to move on from the events that led to this hearing, and to focus his energies during the remainder of his academic career on meeting the needs of his students, the duties required of him by his colleagues, students, staff, and administrators, and the standards expected of him by the university and professional bodies of which he is a member.

Report at pp. 61-62. CAFT then issued the following directive to Prof. Wozniak:

First, though we do not believe that Prof. Wozniak can be compelled to delete all reference to his complaint about the student award on his website, in email messages, or by other means, we do recommend that he do so, in recognition of the mistrust he has engendered.

Second and categorically, any reference that directly or indirectly discloses his conversation with Student A should be deleted and no future reference be made to it by Prof. Wozniak in any website, email, or the like means of public or quasi-public communication.

Third, because of the concern his conduct has generated for the possibility of coercion or other impermissible pressure being brought on students with regard to future student awards, Prof. Wozniak should have no direct personal contact with any student with regard to his eligibility for or concerning the administration of the granting of any such award in the future. The officers of the student societies should be informed of this prohibition upon assuming office.

Report at pp. 62-63. The Report made clear that Prof. Wozniak's compliance with this directive was not optional, but rather a requirement for his continued employment by the University. The Report thus stated: "Prof. Wozniak's failure or refusal to comply with either of these latter two conditions **shall be cause to dismiss him.**" Report at p. 63 (emphasis added).

Following the January 9, 2013 CAFT Report, however, Prof. Wozniak continued to publish confidential student information in direct violation of the CAFT Report. In February 2013, Executive Vice Provost for Academic Affairs Barbara J. Wilson put Prof. Wozniak on notice of his new misconduct by twice alerting him that she was aware that he had posted confidential student information on a website he had created. Executive Vice Provost Wilson informed Prof. Wozniak that these disclosures violated federal law and University policy. She

therefore directed him to “Remove all personally identifiable student information from the identified website and refrain from posting personally identifiable student information to that or any other website.”

In addition to the University’s efforts to assure that Prof. Wozniak cease his publication of confidential student information, President Easter also worked with his administrative team to determine how to present this pattern of misconduct in an Article X termination proceeding. On February 8, 2013, President Easter referred the charges against Prof. Wozniak and the CAFT Report to the Board of Trustees for possible dismissal under Article X. In March 2013, at the request of President Easter, Chancellor Phyllis M. Wise met with the Faculty Advisory Committee to address the question of whether Prof. Wozniak’s actions in violation of the CAFT directive should be reviewed by CAFT or by the Board of Trustees as part of the referral of the charges and the CAFT Report. On April 4, 2013, Chancellor Wise wrote to President Easter with the results of her discussions:

Because CAFT stated that the violation of this condition “shall be cause to dismiss him,” the Faculty Advisory Committee advised that the administration should consider any new evidence of such a violation as part of the pending Article X proceeding, without needing to file additional charges under Article X. FAC was unanimous in this recommendation. In a separate meeting, leaders of the Academic Senate made the same recommendation.

In June 2013, University Counsel provided more than 100 examples of this additional misconduct to Prof. Wozniak and his attorney. Prof. Wozniak was given the opportunity to review these materials and to provide any response he believed appropriate.

In July 2013, counsel for the Board of Trustees provided a draft of the procedures to be followed before and at the September 23 hearing to counsel for Prof. Wozniak. These procedures outlined a series of pre-hearing exchanges of briefs and supporting materials, including the submission of the President’s Statement of the Basis for Dismissal and Prof.

Wozniak's Response, exchanges of witness lists, exhibits and motions in limine. The procedures also established a series of status conferences to be held on a weekly basis so that the parties were ensured an opportunity to address any concerns and to clarify any confusion about the procedures at the September 23 hearing or during the pre-hearing process.

Throughout August and September, counsel for the Board, the University and Prof. Wozniak met on a weekly basis to ensure that materials were exchanged on a timely basis and that the parties were aware of the arguments and materials to be offered at the hearing. The September 23 hearing, therefore, took place only after extensive pre-hearing procedures, exchanges, and briefing all established for Prof. Wozniak's benefit.

### **C. The September 23, 2013 Hearing**

On September 23, the Board of Trustees held a four-hour hearing pursuant to Article X to receive evidence, listen to sworn testimony, and heard the presentations of counsel for the University and counsel for Prof. Wozniak. Executive Vice Provost Wilson testified on behalf of the University. She provided numerous examples of Prof. Wozniak's publication of confidential student information following the CAFT Report. She also described her correspondence with Prof. Wozniak and her efforts to make him stop publishing confidential student information. Executive Vice President Wilson's testimony also included specific videotape and internet examples of confidential student information which Prof. Wozniak had made available following the issuance of the CAFT directive.

Prof. Wozniak then testified, with the permission of the Board, for approximately 40 minutes. At no time did Prof. Wozniak apologize for the publication of confidential information concerning students, nor did he indicate that he would cease these activities if permitted to return to teaching.

The current Chair of CAFT, Prof. Eric A. Johnson of the College of Law, also made a presentation to the Board and provided the Board a letter setting forth the substance of his presentation. In his letter, Prof. Johnson stated the unanimous view of the seven- member CAFT that:

Professor Wozniak engaged in professional misconduct when he publicly disseminated information about a student's emotional reaction during a private conversation between her and Wozniak.

On this basis, the CAFT was justified in directing Professor Wozniak to refrain from making future reference to this conversation in public or quasi-public communication.

The CAFT was also justified in concluding that any violation of this directive would be cause for Professor Wozniak's dismissal.

The University President was justified in going directly to the Board with evidence that Professor Wozniak had violated the CAFT's directive. He was not required to return to the CAFT.

The Board should dismiss Professor Wozniak if it concludes that he violated the CAFT's directive.

Prof. Johnson's testimony to the Board was consistent with the conclusions set forth in the letter from CAFT to the Board of Trustees.

Following the hearing, the Board met in executive session to discuss the evidence presented, the witness' testimony and credibility, and to begin deliberations on an appropriate resolution of the charges. The Board also provided both counsel for the University and Prof. Wozniak the opportunity to submit additional materials for the record and to address any additional matters which they believed they had not had the time or opportunity to address at the hearing. On October 14, 2013, both sides submitted additional materials in support of their positions which the Board has also considered.



### **III. DISCUSSION**

Article X of the University *Statutes* sets forth the grounds for dismissal of a tenured faculty member for cause:

Due cause for dismissal shall be deemed to exist only if . . . a faculty member's performance of university duties and functions or extramural conduct is found to demonstrate clearly and convincingly that the faculty member can no longer be relied upon to perform those university duties and functions in a manner consonant with professional standards of competence and responsibility;

Article X, Section 1(d). Under Article X, then, we are asked to determine whether we believe that Prof. Wozniak can no longer be relied upon to perform his duties and functions in a manner consonant with professional standards of competence and responsibility. On this question, we must be satisfied that any grounds for dismissal have been demonstrated "clearly and convincingly" rather than by a mere preponderance of the evidence in order to take the extraordinary step of revoking tenure and imposing dismissal.

#### **A. Prof. Wozniak's Actions Preceding The CAFT Report**

We find that the CAFT Report correctly determined that Prof. Wozniak improperly disclosed confidential student information. The record is absolutely clear that in the Spring of 2009, Prof. Wozniak became convinced that he should have received a teaching award from a student honor society. In the course of investigating the selection process for this award, Prof. Wozniak required a student to meet with him and in the course of this meeting and interrogation, the student was reduced to tears. As the CAFT Report states, Prof. Wozniak then engaged in "broad and persistent dissemination of the conversation, especially the fact that [the student] cried." CAFT Report at p. 43. The CAFT Report went on to find that Prof. Wozniak "rehearsed the episode in his video monologue which remains as a YouTube link on his electronic signature

block even now.” *Id.* at 43-44. The CAFT Report then concluded: “The Hearing Committee finds that in doing so Prof. Wozniak acted in breach of professional ethics.” *Id.* at 44.

We agree. Prof. Wozniak engaged in misconduct which badly damaged the University’s paramount obligation of maintaining the trust and confidences of its students. The University’s relationship with its students is its most precious and fundamental mission. Prof. Wozniak disseminated confidential information concerning his interactions with students including a student’s emotional state. That Prof. Wozniak could have abused this relationship without regret or apology is unacceptable for any member of the University, let alone an experienced member of our faculty. The Board also finds it notable that in his testimony before us, Prof. Wozniak offered neither an apology nor an explanation for his repeated dissemination of this confidential student information. Instead, he contended repeatedly that his treatment of the students was a necessary reaction to the denial of an award. We find that Prof. Wozniak’s testimony indicates a fundamental lack of understanding for the responsibility that faculty members must have for the privacy concerns of their students.

As the CAFT Report states specifically: “[Prof. Wozniak] is not licensed to breach the confidentiality of the student relationship, promiscuously to invade a student’s privacy, because he believed it aided his personal cause.” Report at 44. For this reason, CAFT issued its directive that Prof. Wozniak cease any further dissemination of confidential information or face dismissal from the University. We agree with CAFT’s conclusion and its directive.

In addition to his misconduct concerning this specific student interaction, however, we also find clear and convincing evidence that Prof. Wozniak engaged in other acts of misconduct which harmed students and created a hostile educational environment as part of his efforts to improve his status or correct self-perceived wrongs caused by others. These include filing a

lawsuit against the individual students seeking monetary damages and engaging in questionable and potentially harassing activities involving the incoming honor society presidents for 2010. There is also clear and convincing evidence that the students involved in these latter incidents felt that Prof. Wozniak had attempted to interfere improperly with their grades as retaliation for their participation in the student honor award process.

The Board, therefore, further concludes that Prof. Wozniak's escalation of disputes and retaliation against students in this manner are incompatible with the instruction and mentoring which our faculty are expected to provide to students. The CAFT Report offered Prof. Wozniak a final opportunity to refrain from dissemination of confidential student information in the future. The Board believes that this last chance afforded by CAFT was unnecessary and that due cause for dismissal existed prior to the additional misconduct following the CAFT Report. This discussion is moot, however, because, as discussed below, Prof. Wozniak has repeatedly violated this last chance afforded by CAFT and is subject to dismissal for this reason as well.

#### **B. Prof. Wozniak's Actions After the CAFT Report**

Reviewing Prof. Wozniak's actions following the CAFT Report, we must consider whether there is "clear and convincing" evidence that Prof. Wozniak violated the terms of the CAFT directive. There can be no question that the evidence presented meets this standard. Following the CAFT Report on January 9, 2013, Prof. Wozniak repeatedly published additional confidential student information regarding the 2009 teaching award and Prof. Wozniak's investigation. Executive Vice Provost Wilson wrote to Prof. Wozniak about these violations twice in February 2013. At the September 23 hearing, Executive Vice Provost Wilson testified to multiple examples of such publication, including video and internet postings. In his presentation at the hearing, Prof. Wozniak did not deny that he had published these materials, nor

did he offer any basis on which to conclude that his conduct could be considered anything other than a flagrant and intentional disregard of the CAFT directive.

In fact, Prof. Wozniak defiantly stated on his YouTube video, published after the CAFT report, that he would “not be muzzled.” It appears that Prof. Wozniak is unwilling or unable to abide by rules or expectations with which he disagrees. This indicates that the pattern of escalation of disputes and conflicts with students would inevitably continue in the future. We find that there is “clear and convincing” evidence that Prof. Wozniak violated the CAFT directive and published confidential student information. In reaching this conclusion, we concur with the Faculty Advisory Committee, the members of the Faculty Senate, and the unanimous conclusion of the members of CAFT that Prof. Wozniak’s actions following the issuance of the CAFT Report that these actions should have been reviewed directly by this Board rather than returned to CAFT for preliminary review. We further concur with the concerns expressed by each of these faculty bodies and find that this is clear and convincing evidence that Prof. Wozniak’s actions following the issuance of the CAFT Report were direct and flagrant violations of the CAFT directive.

### **C. Prof. Wozniak’s Due Process Arguments**

Prof. Wozniak has asserted a number of procedural objections to the Article X hearing process. These are set forth in Prof. Wozniak’s “Objections to Proposed Procedures for Tenure Hearing Matters,” his “Motion to Strike New Allegations Relating to Conduct Occurring After the Issuance of the CAFT Report,” and his “Motion in Limine” to prevent the CAFT Chair from appearing and offering a statement at the Board hearing. (It should be noted that the University *Statutes* expressly require participation by a representative of CAFT.) Because the Board is satisfied that Prof. Wozniak has received appropriate due process, his objections and

motion to strike are denied.<sup>2</sup> The University notified Prof. Wozniak in February 2013 that he had published confidential student information in violation of the CAFT directive. In June 2013, counsel for the University provided Prof. Wozniak with dozens of specific examples of this additional misconduct.

Prof. Wozniak asserts he has the right under the First Amendment to challenge and criticize the University, the College of Engineering and the student award process. The Board is well aware of, and keenly sensitive to, First Amendment concerns. That, however, is not the issue before us. The question is whether when publishing materials concerning his case, Prof. Wozniak could include confidential student information. Both the CAFT Report and this Board have concluded that he could not. Publishing these materials was a breach of Prof. Wozniak's professional ethics. The First Amendment does not create a right for a professor to disseminate confidential student information.

We also concur with the Faculty Advisory Committee, members of the Senate, and members of CAFT that the proper course was to bring these violations of the CAFT directive directly to the Board of Trustees as part of the on-going Article X proceeding rather than to initiate a new, separate process. Article X, Section 1(e)(7) provides for the presentation of evidence in support of the charges, and evidence concerning Prof. Wozniak's post-CAFT report misconduct was in fact presented as part of the hearing before the Board. Accordingly, the Board of Trustees is both an appellate body and a fact finder under limited circumstances. We believe that the Board has the authority under the current circumstances to hear limited evidentiary matters related to the additional misconduct in violation of the CAFT directive. Neither the University nor the interests of justice generally would be well served by unnecessary additional hearings before CAFT on these limited matters.

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<sup>2</sup> The Board of Trustees denied Prof. Wozniak's Motion in Limine at the September 23 Hearing.

Finally, Prof. Wozniak's claim that he did not have adequate time to prepare for the proceedings before this Board ignores the considerable efforts that University counsel and counsel for this Board spent working with Prof. Wozniak's counsel in advance of these hearings. As noted above, Prof. Wozniak received all of the materials upon which the University relied for its case in June 2013. In July 2013, more than two months before the September 23 hearing, Prof. Wozniak received a detailed set of proposed procedures both for the hearing and for the exchange of exhibits, witness lists, briefs, motions and a variety of other pre-hearing procedures. Following a status conference among all counsel, Prof. Wozniak received a revised set of procedures addressing several of his procedural concerns on August 12, 2013.<sup>3</sup> Attorneys for the University, the Board of Trustees and Prof. Wozniak also convened by telephone on a weekly basis to address any procedural issues and to ensure that the hearing satisfied any concerns raised by any counsel. The Board also allowed additional briefing following the hearing so that the parties could address any additional issues and so that any matter potentially foreclosed at the hearing could be addressed by the parties.

In short, the Board is satisfied that Prof. Wozniak received a fair hearing and that he was allowed sufficient time to prepare and to present his case to the Trustees. The Board is further satisfied that the Administration and counsel for the Board made extraordinary efforts to ensure that Prof. Wozniak had an opportunity to address any procedural issues in advance of the hearing and that any reasonable objections were overcome.

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<sup>3</sup> Prof. Wozniak argues that because the University provided him a "Revised Statement of the Basis for Dismissal" on August 29, 2013, he should have been given additional time to prepare for the September 23 hearing. The Board finds, however, that the revisions were minor editorial changes and actually resulted in a narrowing of the matters asserted to the Board of Trustees. Accordingly, the Board does not believe that any additional time beyond the three weeks provided was necessary.

Accordingly, the Board finds that there is clear and convincing evidence that Prof. Wozniak's tenure should be revoked and that Prof. Wozniak's should be dismissed as a member of the faculty.

**D. Professor Wozniak's Termination Shall Be Effective Immediately.**

Article X, Section 1(e)(7) provides:

If the board concludes that the appointee should be dismissed or asked to resign, the effective date of such dismissal or resignation shall not be less than one year from the date of the board's decision unless the board, in its discretion, determines that an earlier effective date is justified by the gravity of the appointee's conduct in question.

Given our determination that Prof. Wozniak's conduct merits dismissal, we must also consider whether the conduct in question is sufficiently grave to justify termination sooner than in one year's time. The Board believes that Prof. Wozniak's conduct requires us to remove him from the University immediately.

Prof. Wozniak has repeatedly, despite multiple warnings, published confidential student information. This information is protected by federal law and by University policies protecting educational privacy. Prof. Wozniak has been warned by the College of Engineering, the Committee on Academic Freedom and Tenure, and the Executive Vice Provost for Academic Affairs among many, many others within the University, that he must stop publishing these materials. He has consistently refused to do so. Worse, at no point has Prof. Wozniak taken responsibility for his actions or expressed any recognition of the impact his actions have had on the students involved. Significantly, Prof. Wozniak has indicated that if given the opportunity, he would act exactly as he has done throughout these proceedings. As the CAFT Report noted: "There is no evidence that Prof. Wozniak would have conducted himself any differently should a similar situation arise in the future." Report at p. 57. Sadly, we concur with CAFT's conclusion.

Prof. Wozniak has given every indication that his misconduct would continue unabated in the future.

There is nothing more fundamental to the mission of a University than to protect its relationships with its students. This includes ensuring that student confidences are maintained and that information is not published about them without the consent required by University policies. Every student of this University deserves nothing less than our complete and unwavering support of these policies. Prof. Wozniak has refused to meet this most basic understanding. His termination, therefore, must be effective immediately.

We reach this sanction reluctantly. While we recognize that our decision is absolutely necessary to protect the best interests of the University and our students, there can be no winners when the precious right of tenure is revoked. We also recognize that this marks an unfortunate conclusion to the academic life of one of our faculty members. Prof. Wozniak has lived a remarkable life and taught thousands of University of Illinois students for nearly 50 years. Many of these students submitted supportive letters which were clearly quite genuine. Prof. Wozniak has clearly touched the lives of many, many students and has worked with the University and the College of Engineering to develop generations of engineers who have in turn helped to build and change our world. The Board recognizes the great value in Prof. Wozniak's past teaching and wishes that the facts were otherwise and that it could allow such teaching to continue with confidence that student confidentiality would be respected.

#### **IV. CONCLUSION**

Wherefore, pursuant to Article X of the University *Statutes*, the Board of Trustees unanimously directs that Professor Louis A. Wozniak's tenure be revoked and that his



employment by the University be terminated immediately. The Board further directs President Easter, Chancellor Wise, together with Executive Vice Provost Wilson and Dean Andreas Cangellaris of the College of Engineering, to take all such actions necessary to enforce the terms of this directive.

November 14, 2013