

June 14, 2022

Dear Finley Caciola and Richard Bugg,

I am writing in response to two appeals I received relating to case No. 20210032. My preparation for this response included a review of the original complaint, the investigation, the written determination and various appendices and other policies and documents included in the case file.

Currently the sanctions imposed on Richard Bugg regarding the incidents included in the case file are as follows:

- 1. Professor Richard Bugg submit to education about current views and opinions of English language and grammar experts and resources that using Gender-Neutral pronouns when referring to an individual is now considered grammatically correct.*
- 2. This action and decision stand as a written warning regarding the use of preferred pronouns. If Professor Bugg continues to refuse to make a good faith effort to use preferred pronouns it will be considered an additional violation of policy 5.60 and 5.27 and may result in further sanctions up to and including termination.*
- 3. If Professor Bugg refuses to make a good faith effort to use pronouns requested by SUU students, and as a result, students refuse to register for sections of classes he teaches, SUU will open additional sections of those classes and Professor Bugg's pay will be reduced to offset the amounts SUU must pay for the additional sections.*

In response to these sanctions imposed by Kevin Price, Assistant Vice President for Human Resources and Responsible University Administrator, and the findings from the Hearing Officer, Steve Gordon, I received an appeal from Richard Bugg and another from Finley Caciola.

One was received from Jerome H. Mooney of Weston, Garrou, and Mooney, who represents Richard Bugg dated May 26, 2022. A second appeal from Finley Caciola was received on May 25, 2022

The appeal from Jerome H. Mooney on behalf of Richard Bugg includes two requests, based on the foundation that the sanctions are clearly unreasonable. These appeal requests are: 1) a request to remove compelling Richard Bugg to use "plural pronouns for single individuals, something he finds improper not for religious reasons, but for political reasons" and 2) "the

sanctions create a “shadow class” at Professor Bugg’s expense” as “[t]his is akin to fining him if he does not comply.”

The first appeal assumes that the use of “they” (or similar variations of the pronoun) solely refers to a single individual. Regardless of the reasons (political, religious, etc...), this is an incorrect statement. The current use of the pronoun “they” includes referring to a “single person who’s gender identity is nonbinary” as noted in Finding 39. This is further supported in findings 40-44, which incorporate current definitions of “they” from external, reliable sources.

The second ground for appeal suggests that creating a “shadow class” would be akin to fining Richard Bugg for his failure to deploy correct and current uses of the “they” pronoun. However, the appeal fails to recognize that the cost of a newly created section is a real cost and that the substantial disruption to the student learning and their course has already been demonstrated, such that University has already incurred this type of cost as a result of Richard Bugg’s policy violation. This sanction is more akin to a cost recovery measure than a fine to Richard Bugg and is tied directly to his conduct that violated SUU policy.

Based on this logic, the first and second reasons for appealing these sanctions are denied. This decision is based on a current and correct usage of the pronoun “they” and cost recovery directly associated with creating shadow sections of courses as described.

Finley Caciola’s appeal requested that the implemented sanctions remain in force and that an additional sanction be added to include “focuses on protecting incoming students.”

In response to Finley Caciola’s appeal, I am adding an additional sanction to the three imposed by Kevin Price as outlined above. This sanction relates to the syllabus statement that was at issue in this case.

Each academic course includes learning outcomes that should be accomplished by students who complete the course. It seems there is significant inconsistency in the syllabus statements and policies related to various versions of the course under scrutiny. Some of these variations (as included in various testimonies) show significant differences in introductory syllabus statements. It seems reasonable that statements included in Richard Buggs syllabus should be similar to the syllabi statements included in other sections of the same course, or, at least be compliant with departmental guidance. In fact, one reading of Richard Bugg’s introductory statement in the syllabus on political neutrality could read as if Richard was inviting political debate rather than focusing the language on the process of acting.

The guidance included in the department’s undergraduate student handbook includes this statement: “Gender Identity Announcement: Students have the right to express their gender identity freely. The faculty are committed to creating a safe and positive learning environment for each and every student. If a student would prefer that we use a specific gender pronoun, please let faculty know during class introductions, office hours, or by email.” (Undergraduate Student

Handbook SUU CPVA TDAA. Undergraduate Student Handbook. 2020 revision, P. 12,
<https://www.suu.edu/pva/ta/pdf/student-handbook-2020-revised.pdf>)

Additional Sanction: Professor Richard Bugg must review, and edit as necessary, his syllabus language to ensure it aligns with department guidance related to gender pronouns, and submit the syllabus for approval by the Department Chair two weeks before the start of the Fall 2022 semester.

In summary, the three original sanctions as implemented by Kevin Price remain in force and a fourth sanction is added as noted above.

This decision brings the current issue to closure, as it is the final decision of the University.

Best regards,

A handwritten signature in black ink that reads "Jon Anderson". The signature is written in a cursive style with a long, sweeping tail on the letter "n".

Jon Anderson
Provost

Cc: Dr. Brian Swanson, Department Chair
Dr. Shauna Mendini, Dean