

January 20, 2009

To: Dean Stipek

From: Michele Kerr, STEP Teacher Candidate

RE: Informal Attempt at Resolution of Non-Academic Grievance

Dean Stipek,

Attached is a non-academic grievance I intend to file involving my treatment by Dr. Lotan, [DCP], and Dean Callan. In reading the procedures for non-academic grievances, they appear to be primarily aimed at sexual and racial discriminatory issues, and this doesn't involve either. In all likelihood, the director would want me to try to informally resolve my grievance or even deem it an academic grievance. In either case, I decided it was best to ask you to consider the case first before sending it on. Thus, please consider this an informal attempt at a resolution, in that I am asking you to consider my case and take action before I move on to departments outside the School of Education.

The events of the last quarter have convinced me that Dr. Rachel Lotan intends or is fully prepared to deny me a teaching credential even though I am doing well academically and in my student teaching position. As you know, candidates in Stanford's Teacher Education Program (STEP) can complete all the required coursework and the clinical practice and yet still not be recommended for a credential if the program director feels the candidate is not suited for the practice of teaching.

Until November 24th, I received no written indication of any problems or concerns, nor have I ever been told of any specific policy or academic procedure I've violated. Even when Dr. Lotan did write of her concern that I "am unsuited for the practice of teaching", she mentioned no policies and offered only trivial reasons for my unsuitability. She admitted that she had no hard evidence supporting her charges, nor any evidence that I was markedly out of synch with other STEP candidates.

I am not asking, and have never asked, for any special treatment from Dr. Lotan or any other member of the STEP staff. I am only filing this grievance because I believe that ultimately, Dr. Lotan will seek to deny me a recommendation for a teaching credential and if I don't challenge her rationale for the steps she has taken thus far, I will be tacitly accepting her criteria and making it easier for her to continue.

Sincerely,

Michele Kerr

Non-Academic Grievances

Issues

- 1 Dr. Lotan is continuing a policy of harassment that began back in April when she first tried to legally rescind my application. [DCP], who “strategized” with Dr. Lotan to come up with means to deny my admittance without acknowledging their goal, uses her role as clinical director to assist Dr. Lotan in this activity.
- 2 Dr. Lotan demanded that I meet with her to discuss a rejected paper, when no other student had to meet with her on similar grounds. The meeting revealed that all the problems were with my views, not with a failure to meet the rubric.
- 3 Dr. Lotan, [DCP], and Dean Callan have excused and even encouraged my supervisor [Supervisor]’s hostile behavior towards me during the last weeks of the fall quarter.
- 4 Dr. Lotan and Dean Callan have initiated a procedure to express concerns that I am “unsuited for the practice of teaching” using trivial criteria with no supporting data to prove I was substantially out of line with out STEP student performance, even given the trivial standard.
- 5 Dean Callan has harassed me for unspecified “student confidentiality” violations without giving me a clear definition of the policy I have exceeded or indeed, without appearing to know themselves. In overreaching their bounds, they have interfered with my relationships at my placement school, demanded access to a password protected journal, and insisted that they have jurisdiction over any words I write while at Stanford.

Remedy Sought

My primary remedy requested is simply to be held to the same standards of other students and otherwise to be left alone. I am filing this grievance primarily as a protective measure.

However, given the pending actions against me, I am also asking that these actions be supported or removed:

(I) Dr. Lotan has formally notified me that she has concerns I am unsuited for the practice of teaching. In light of the information provided in this grievance, I am requesting that Dr. Lotan provide the following:

1. An explanation as to what relationship that 5-10 minutes tardiness to 3 hour classes bears to a concern that the student is unsuited for the practice of teaching, absent any recorded tardiness in the student teaching assignment.
2. An explanation as to what relationship “late assignments” bears to that same concern, absent any problems in student’s teaching practice.
3. An explanation as to what relationship fellow student complaints regarding discourse or classroom discussion has to a student’s suitability for the practice of teaching, absent any problems in the student’s teaching assignment.
4. Data regarding previous invocation of the Guidelines for Reviewing Concerns Regarding the Suitability for Teaching (something that all STEP documentation says is “rare”) and the criteria used.
5. Given the completion of the first item, data establishing that my purported tardiness and attendance in all STEP classes is of a degree and kind far worse than that of other STEP

students.

6. Given the completion of the second item, data establishing that my three late assignments are far more than the late assignments of any other STEP students.
7. Given the completion of the third item, data reflecting input from all STEP candidates specifically asked to list students they respect or have issues with, as opposed to a casual collection of people who happen to complain to Dr. Lotan.
8. **Given completion of all previous items**, a specific plan with clear metrics addressing only those areas listed in Dr. Lotan's "letter of concern".

Barring completion of these items, I request that Dr. Lotan's letter expressing "concern that [I] am unsuited to the practice of teaching" be withdrawn.

II) Based on the information provided in this grievance, I request that Dean Callan cease interfering with my student placement and abandon his intrusive attempts to read my now-private blog.

Informal Attempts to Resolve

I have met with the ombudsman, David Rasch, to ask for assistance and advice on several occasions. During our last meeting, he acknowledged that the problem had gone beyond his ability to assist—or at least that was my understanding. (I am not complaining; Dr. Rash has been extremely helpful.)

I have submitted a copy of this grievance to Dean Stipek and requested that she resolve the grievance with the specified remedies.

Dr. Lotan and [DCP] have acted in such a way that I no longer believe they wish me to succeed in this program, although they all assure me that this is not the case. Moreover, Dr. Lotan has on at least one occasion misrepresented events when she was trying to build a legal case to rescind my admission. I once agreed to meet with Dr. Lotan on the understanding that she would no longer oppose my attendance at Stanford, and in the meeting she reneged on that agreement, telling me she would continue to pursue legal means to rescind my offer—a comment that surprised Dr. Rasch, who had arranged the meeting on the understanding that my attendance was a settled fact. For reasons that will be outlined in this grievance, Dean Callan, Associate Dean of Student Affairs, has shown that he concurs with Dr. Lotan's objectives.

For all these reasons, I feel uncomfortable with any further informal attempts to resolve these issues at the STEP level.

Timing

On November 24th, Dr. Lotan emailed me a letter stating that she had concerns that I was "unsuited for the practice of teaching", something she had simply never mentioned in our meeting just a week earlier. I was extremely concerned and found her reasons inconsistent, trivial, and disturbing. After I met with Dean Callan and Dr. Lotan on December 10th, I hoped I had shown them, through their own acknowledgements, that they had no evidence to continue. As Dr. Lotan was going on sabbatical for three months, I thought I would get a respite from her harassment and by the final quarter, she would have little grounds to deny my recommendation.

Then, on December 29th, I received a letter from Dr. Lotan and Dean Callan. Not only did they not seem to mind their lack of evidence, but they threatened me with an informal hearing if I didn't immediately comply with a long laundry list of generic objectives, few of which involved their original concerns, and refrain from contacting my fellow students. Then Dean Callan emailed me about my blog, copying the principal of my placement school, accusing me of "serious breaches in confidentiality" (a charge I have consistently denied), and demanding that I provide access to a password protected blog that doesn't mention Stanford, my placement school, my name, or any of my students' names or academic information. These events at the end of December and beginning of January convinced me that I had to act in order to document my disagreement.

I am deeply concerned that I am paying Stanford's considerable fees, giving up income for a year, and working 20 hours a week at a student teaching position while getting good grades and good teaching reviews—and that all of this will be for nothing because Dr. Lotan has the ability to refuse to recommend me based solely on her personal discretion, which she has made clear is biased against me. Ultimately, should this happen, I will have to take legal action to seek redress. I have decided that I am best protected by making it quite clear at this point that I reject and continue to reject Dr. Lotan's "concerns" about my suitability for the practice of teaching.

Individuals Referenced

Rachel Lotan: Director of STEP and professor of record for the practicum course.
[DCP]: Director of Clinical Work
Name Omitted: Supervisor
Name Omitted: Cooperating Teacher (sometimes referred to as CT)
Eamonn Callan: Associate Dean
David Labaree: Associate Dean (on sabbatical)
David Rasch: Ombudsman
Name Omitted: Classroom Management instructor
[Sequoia Principal]: Sequoia High School principal
Adam Kissel: F*I*R*E (Freedom of Individual Rights in Education) Director
[Teacher Blogger]: STEP resource, occasional cooperating teacher, blogger

Document List:

1. Dr. Lotan's letter asking JMK to meet, purportedly about student teaching query.
2. JMK's letter to ombudsman, with description of 4/9 meeting with Dr. Lotan, [DCP], and [name omitted].
3. Dr. Lotan's letter of 4/16, written the day after JMK had accepted, expressing concern about "potential" participation and describing an event that didn't occur.
4. JMK's letter to Dean Labaree and Dr. Rasch, with a categorical denial of Dr. Lotan's characterization of 4/9 meeting.
5. JMK's letter to Adam Kissel
6. JMK response to Dr. Lotan, saying too busy to meet.
7. [DCP]'s misdirected letter to Dr. Lotan, suggesting they meet and "strategize" about ways to build a case to rescind JMK's admission.
8. JMK's letter to Dr. Rasch, forwarding [DCP]'s letter.
9. JMK letter to Dr. Rasch recounting 4/25 phone call conversation..
10. [Instructor]'s emails on JMK's Classroom Management Plan.
11. Original Classroom Management Plan

12. Revised Classroom Management Plan
13. I request that an investigation ask for and review [Supervisor]'s emails to [Cooperating Teacher] during the weeks of mid-November.
14. STEP Document: Guidelines for Reviewing Concerns Regarding Suitability for the Practice of Teaching
15. JMK's letter to class about supervisory
16. JMK's letter to classmates on results of 12/10 meeting.
17. Dean Callan and Dr. Lotan's letter of 12/16.
18. AEA Teacher Code of Ethics and FERPA requirements
19. Dean Callan's letter of 01/08/09, copying [Sequoia Principal], accusing JMK of "serious breaches of confidentiality".
20. Dean Callan's followup declaring that JMK had violated "professional norms" for confidentiality.
21. [Teacher Blogger] and other teacher bloggers discussing students and parents.
22. Equity and Democracy Final Project

Grievance #1: Dr. Lotan's Attempt to Rescind My Admission

Dr. Lotan has often said earnestly that I should not doubt her good faith efforts to work with me, and believe her assurances that she has no ulterior motives. I am not revisiting the events of last spring to regurgitate dead history, but to demonstrate that I have good cause to doubt both Dr. Lotan's motives and her good will.

In March-April 2008, after Dr. Lotan learned from a staff member that I might not have acceptable views, she called me into a meeting that was ostensibly about my question regarding student teaching¹. In fact, the meeting was clearly an attempt to discourage me from accepting STEP's admittance. Although Dr. Lotan did not ever say this directly, she warned me that I would have difficulty passing the final project and would be under intense scrutiny if I attended STEP. It was not a pleasant meeting; I was deeply upset and contacted Stanford's ombudsman, Dr. Rasch, with a detailed description of the meeting to ask if I should worry about retaliation². He assured me that I should accept if that's what I wanted to do. I also contacted Dean Labaree, who was then Associate Dean of Student Services and asked for help, but he refused involvement. After extended consideration of the risks involved, I accepted Stanford's offer on the last day possible.

The day after I accepted, a week after our meeting, Dr. Lotan wrote me a letter³ with a wholly fictional description of my behavior, saying that my "potential participation" in the program was dependent on my resolving her concerns. To determine the accuracy of Dr. Lotan's description, consider the following:

- I wrote Dr. Rasch on the day of the meeting. My letter makes it clear that my first impulse was to reject Stanford's offer out of concern for retaliation, and shows none of the emotions that Dr. Lotan describes in her letter.
- If I had behaved as Dr. Lotan described, the logical response would have been to immediately document the behavior and ask for a second meeting *before* I accepted. Instead, by writing the day *after* I accepted, she appears to have assumed I was "scared off" from accepting, and only took action when she realized her intimidation attempts didn't work. This timing strongly suggests that Dr. Lotan resorted to a letter as "phase 2" in her attempt to be rid of me, rather than a genuine response to the meeting.
- I categorically denied her description at the time, and do so to this day.
- My actions upon receiving her account are entirely consistent with that of a person given a false account of her behavior.

I strongly suspected (in fact, "knew" would not be too strong a word) upon reading her account that Dr. Lotan was trying to build a case to rescind my acceptance, by creating a false record of misbehavior. Having constructed one untrue account, she could then insist that I meet with her and my denials would "prove" that I was unwilling to work things out, and so on.

I contacted Dr. Rasch and Dean Labaree to ask for advice⁴, but the first was unavailable and the second again refused involvement. I then contacted the Foundation for Individual Rights and

¹ See Document 1. Also attending were [DCP] and [name omitted].

² Document 2

³ Document 3

⁴ Document 4.

Freedom⁵, because I needed to know whether Stanford could legally rescind an admission. FIRE staff suggested that I refuse the meeting politely and told me that all available evidence said that admissions were legally binding. I wrote back to Dr. Lotan, telling her that I disagreed with her memory of the events, and that I wasn't able to meet at this time, but would be happy to meet with her after classes started⁶. Dr. Lotan responded, insisting that I meet with her, which put me in a quandary. I was certain that Dr. Lotan was trying to meet with me to build a case to rescind my admission and that I was at risk for additional fictional accounts of our meeting. However, refusing to meet carried additional risks.

Fortunately, a misdirected email confirmed my reading of events. [DCP], head of clinical practice at STEP, accidentally emailed me her response to Dr. Lotan⁷, in which she made it clear that Dr. Lotan had already contacted Stanford legal counsel and that the two of them were "strategizing" to keep me out of the program. This email put an end to Dr. Lotan's covert attempts to build a case against me, as I had a phone call with Dr. Rasch and told him that I was contacting him before I contacted a lawyer myself.⁸ Dr. Rasch suggested a meeting with Dr. Lotan, which I agreed to only on the condition that my Stanford attendance was an established fact. Dr. Rasch told me Dr. Lotan had agreed. In the meeting, Dr. Lotan made several comments:

- 1 She found it difficult to believe that someone with my views could have the goals I expressed in my Stanford application.
- 2 She was upset that I had expressed disagreement with [Teacher Blogger]⁹, a teacher at Downtown College Prep that often serves as a cooperating teacher. Dr. Lotan had been anonymously sent an email alerting her to a website I run, and found a link to [Teacher Blogger]'s blog and read the debate there.¹⁰ She argued that she could not in good conscience place me with [Teacher Blogger], given our conflict, and seemed to think this was another reason why she should not be forced to accept me into the program.
- 3 At one point, she burst out in anger to ask me why I wanted to go to Stanford, "if I was such a good teacher. You can get a credential anywhere. Why go to Stanford?" I found this puzzling, as I had mentioned that I was a good teacher in my application. Surely the admissions review process should have highlighted this, if it was a concern?
- 4 Finally, she reneged on her agreement that was the basis for the meeting, saying that my attendance was not certain and that she would continue to seek legal advice to prevent my attendance. This statement surprised both me and Dr. Rasch.

I never heard from Dr. Lotan again prior to starting school. After the Foundation for Individual Rights in Education wrote a letter to Stanford's president recounting the events, the Provost's office confirmed that I was attending.

I had hoped that Dr. Lotan had changed her mind about me once I began attending classes and teaching. Indeed, in early August, Dr. Lotan told me that she was very pleased I was doing so well. However, this didn't last. In fact, I have only been trouble-free at Stanford when Dr. Lotan was away from STEP (on vacation in July and out on illness in October-November).

⁵ Document 5.

⁶ Document 6.

⁷ Document 7.

⁸ I emailed my recollection of the meeting to Dr. Rasch immediately afterward See Document 9.

⁹ [name omitted] and his blog are relevant to a later grievance.

¹⁰ [name omitted] and his blog are of further relevance to this grievance.

Because of our troubled beginning, I have done my best to avoid any unnecessary interactions with Dr. Lotan, and to avoid asking for any consideration at STEP. I was happy when she temporarily seemed to have put off her animosity, but I have never forgotten how I first met her, and what she tried to do. Dr. Lotan has never apologized for the stress she caused me, and seems to think I have no reason to doubt her good faith.

Grievance #2: Classroom Management Plan Rejection

In late September, my classroom management instructor, [name omitted], emailed me¹¹ about the major project for the Classroom Management course, the Classroom Management Plan¹². She had “had a difficult time scoring it” and wanted me to meet with Dr. Lotan about it. I asked if I needed to resubmit it¹³, saying I would be happy to write a more “traditional” plan, and she replied that I would “probably” need to resubmit. Dr. Lotan replied that I was not to change my views, that she would meet with me and we would discuss.

A few days later, everyone else received his or her classroom management plan. A number of students were told to resubmit; none of them were required to meet with Dr. Lotan first.

Dr. Lotan had health problems that precluded our meeting for six weeks. We finally met on November 17th, a meeting that served other purposes as well (see next section).

Despite her assurances, Dr. Lotan’s comments made it clear that, from her and [instructor’s] perspective, the sole problem with my classroom management plan was my views.

- She opened the discussion by saying, in exasperation, “Why would anyone with the views you hold want to spend the time and money getting a teaching credential at STEP?”
- She told me that any principal who hired a STEP graduate would be angry at getting someone with my views and would hold STEP responsible.
- She said that several of my views expressly violated the California teaching standards. (I disputed this.)
- She said that my views cast serious doubt on my ability to meet the professionalism standard, and that she expected this to be reflected in my assessment, although she had not consulted my supervisor or cooperating teacher about this.

While we discussed all of these issues, the resolution regarding my Classroom Management Plan was one I had already agreed to: I had to redo my Classroom Management Plan to eliminate the views they found objectionable.

The same day, I received a note¹⁴ from [Instructor]: “Upon initial review of your classroom management plan, we were very concerned and had a very difficult time providing feedback to you. The document not only seemed to contradict STEP philosophy, but it also contradicted the course content and the California Standards for the Teaching Profession (CSTP’s)”. This again confirmed that the problem was with my views.

¹¹ Document 10 section has all of [Instructor]’s emails.

¹² Document 11 is my original CMP.

¹³ My response is included in Document 10 section.

¹⁴ Document 10 section.

I received far less time to redo the classroom management plan¹⁵ than any other student, thanks to the additional requirement of meeting with Dr. Lotan.

I had no objection to redoing the classroom management plan once I understood that it was part of my teaching portfolio; in fact, I actively wanted to rewrite it. Had [Instructor] been concerned with providing effective instruction, she would have told me that my plan spent far too much time discussing what I *wouldn't* do, and too little time describing what I *would* do. That would have been a perfectly legitimate reason to give me a B, encourage me to rewrite, and would have avoided the questionable demand for an ideological whitewash. But at no point did [Instructor] or Dr. Lotan evaluate my plan from an instructional perspective; they both focused entirely on my unacceptable views.

I am not bringing up the classroom management issue as an academic grievance; my resubmit was deemed acceptable and I got an A- in the class. However, it reveals again the extraordinarily disparate treatment I have received at STEP. Moreover, the meeting I had to attend with Dr. Lotan was extremely stressful. It was in this meeting that I again believed that Dr. Lotan wanted me to leave the program, and was doing everything but ask me to do so. I also believe this meeting was when Dr. Lotan began her most recent campaign to remove me from the program. She introduced the threat of "professionalism" for the first time and went on in great detail about her concerns that I wouldn't be able to meet the demands of the program.

Evidence of Disparate Treatment/Harassment

- All other students were given their plan back and asked to resubmit based on comments.
- No students had to meet with Dr. Lotan to discuss their plan.
- My plan was rejected for its viewpoint, not its failure to meet the rubric criteria.
- I agreed in the very first email that I would redo the plan. There was no reason to meet and try to convince me to do so. Nonetheless, I was forced to wait six weeks and be forced to rush at a time when I had a heavy work load, all in order to hold a meeting to ask me to do what I'd already agreed to do.
- Dr. Lotan caused me considerable distress in a meeting that was held expressly to pressure me about my views and tacitly threaten my standing in the STEP program.

¹⁵ Document 12 is the revised CMP.

Grievance #3: Supervisor Treatment¹⁶

On November 19th, my supervisor, [Supervisor], shocked me by revealing that he was extremely unhappy with me. He had never mentioned this before. He had never indicated any problem at all. Suddenly, he was telling me that I was in danger of failing my professionalism rating, a threat I had just heard two days before from Dr. Lotan when she was talking about my classroom management plan. He told me that I thought I was already such a great teacher that I needed no correction, and that as a result of my arrogance and resistance, he was going to require me to do forced observations. For that reason, he said, he was shifting my secondary class so that I had no reason not to do observations. His stated goal was to stop me from attending an algebra support class, a class of students who struggle with math, because he felt that two classes were enough (I work three classes, one more than most STEP students).

[Supervisor] gave me an extraordinarily low rating in professionalism, despite having never mentioned any problems in email or verbal communication throughout the entire quarter. Moreover, when I provided a log of all my observations, he accused me of lying, saying that I had lied before that point and certainly could be lying again. He repeated this charge in front of [DCP], who saw nothing unusual about it, and then again in front of [Cooperating Teacher], my cooperating teacher, who was shocked. Only after noticing [Cooperating Teacher]'s stunned reaction did [Supervisor] acknowledge that perhaps he was using an unfortunate term in saying that I lied.

Based on the sequence of events, I inferred that [Supervisor] secretly met with [Cooperating Teacher] and emailed him privately encouraging him to prevent me from attending the algebra support class¹⁷. He also apparently stated that both Dr. Lotan and [DCP] were concerned about my professionalism, even though I had met with both of them earlier that week and neither of them talked about professionalism in any other context than my classroom management plan—and in fact, explicitly denied that they had discussed anything with [Supervisor] other than his being “at a loss” as to how to deal with me. I stated these inferences to [Supervisor] in our 12/3 meeting, and [Supervisor] tacitly confirmed them.

My supervisory meetings of 11/19 and 12/3 were both extremely upsetting, as I had no reason to anticipate any problems. In both meetings, [Supervisor] raised his voice to me several times, as did I in response, although I said nothing abusive. During our meeting of 12/3, I kept noticing [Supervisor]'s eyes flickering towards the door and I turned around to see Dr. Lotan and [DCP] standing outside the door listening. I got up and closed the door; [DCP] later used her key to enter anyway. I told her that [Supervisor] had just told me I lied, and she instantly blamed me for not being calmer.¹⁸ She also said that I was an extraordinary “hassle”, and that no principal would want

¹⁶ I have filed an academic grievance against [Supervisor] and Dr. Lotan for his rating and my practicum grade. The issues I discuss here involve [Supervisor]'s treatment of me coupled with Dean Callan, Dr. Lotan and [DCP]'s refusal to acknowledge the problems with [Supervisor]'s behavior towards me.

¹⁷ I have requested that these emails be requested from [Cooperating Teacher] and included as part of this grievance.

¹⁸ I wrote down the charge in my notebook in front of them, and still have it.

to hire anyone who caused so much trouble.

Dr. Lotan never directly mentioned either meeting to me and never met with me about my problems with [Supervisor] in any way. She included the 11/19 meeting and my behavior on a list of “concerns” she had that I was unsuited for teaching (see next section). In holding me responsible for the meeting of 11/19 without ever asking me for an account of the events, Dr. Lotan is violating the Guidelines for Reviewing Concerns Regarding the Suitability for Practice of Teaching (henceforth referred to as Guidelines), which state “If the concern can be explained or corrected in a mutually satisfactory manner, the matter need go no further.” I was given no chance to explain that I was extremely distressed, that [Supervisor] raised his voice to me several times, and that I was upset by the underhanded nature of my supervisor’s treatment.

As Dr. Lotan had held me responsible for the problems in my meeting of 11/19, I documented [Supervisor]’s charge of lying in a letter on December 3rd. Dr. Lotan never responded to that email. In our meeting of 12/10, I specifically brought up [Supervisor]’s treatment, as I was tremendously upset by it. Dr. Lotan and Dean Callan both indicated the following:

- Neither of them saw anything inappropriate about my supervisor accusing me of lying. My supervisor has enormous power over me, and is one of the three people who must recommend me for a credential (as is Dr. Lotan).
- Neither of them saw anything unusual about [Supervisor] meeting secretly with my cooperating teacher, or emailing him about concerns that no one had even mentioned to me.
- Both of them told me that [Supervisor] had changed my secondary class because of his belief that I spent too much time tutoring and “well, maybe there was something about observations”. [Supervisor] himself, who told me exactly why he was switching my classes in front of my supervisory partner, [Supervisory Partner], flatly contradicts this. He never mentioned any concerns about the type of work I did in my algebra support class. As I already work in the class that became my secondary, any such concerns were largely a formality—I worked two large classes that had a lot of direct instruction, and one in which I did more one-on-one tutoring. What each one was called was largely irrelevant. Had [Supervisor] told me he just wanted to switch my classes without impacting my teaching, I would not have objected nearly as vehemently, although I still would have been upset at not having been consulted.

Supervisors are supposed to act as trusted mentors who support teacher candidates through their first year of teaching. Instead, I am forced to meet weekly with a man who sneered at me and said I had lied, who told others he was dissatisfied with my work without ever mentioning it to me, who met secretly with another evaluator to complain about me and work to coordinate a surprise reprimand. Moreover, he gave me a low evaluation despite clear evidence provided that I had more than met the baseline criteria. I can’t ask for a new supervisor for fear that Dr. Lotan would cite my request as evidence I can’t work with people. STEP staff have removed supervisors for far less intrusion. One supervisor was removed because he helped students at a placement site while participating in an observation.

Evidence of Disparate Treatment/Harassment:

- [Supervisor]’s behavior towards me has gone unchallenged when at least one other supervisor was removed for far fewer problems.

- The Guidelines¹⁹ call for Dr. Lotan to ask me for my side of any conflict. She did not do so, and instead documented concerns about me based on third-hand accounts of an altercation in which I was charged with nothing worse than speaking loudly.
- I have asked for support from other supervisors as well as Dr. Lotan, when [Supervisor] accused me of lying. While STEP procedures assure candidates of ready support, I have received none, when other supervisors have been removed for far less combative behavior.
- [Supervisor] caused me an extraordinary amount of stress at a time when teacher candidates have a heavy workload (Adolescent Case Study, Group Project, Elaborated Lesson Plan and the Classroom Management Plan redo--delayed because of their irregular procedures). Not only was I not given support from anyone else, I was repeatedly excoriated for not getting even more work done when I had already said I would complete the reflections when I had finished the larger assignments.

Grievance #4: Unwarranted “Concern” about Suitability

The most severe harassment has come from Dr. Lotan’s pursuit of a charge that I am “unsuited for the practice of teaching”.

11/17 Meeting

As described in the previous section, Dr. Lotan met with me on 11/17 about my classroom management plan and “other issues”. In that meeting, she expressed severe concerns about my professionalism, based solely on my opinions in that document, told me briefly that “a few” students had complained about me, but acknowledged that many students liked and respected me. She told me that she was concerned that I never seemed to change my views, that I didn’t “seem interested in learning”. I told her that I had pretty strong opinions about teaching, but that while she might not think I was learning, I was learning in my own way. I strongly objected to her making conclusions about my professionalism based solely on what she read in a document—and for that matter, contested her conclusions about my opinions based on her reading of the document. Dr. Lotan and [DCP] (who also attended) appear incapable of comprehending that I am learning a lot, even if I disagree with most STEP practices (heterogeneous classrooms, discovery-based learning, student-centered instruction).

Moreover, both expressed unhappiness that I have not changed my views despite the class readings. With the exception of the Classroom Management Plan and my practicum grade, I have never been academically penalized for my views in STEP classes. However, Dr. Lotan and [DCP] both expressed the expectation that I should reconsider my views, and that failing to do so was evidence that I wasn’t interested in learning.

I am, I believe, the STEP candidate most informed about educational policy and the existing debates. No one can (or has) seriously argue that my views aren’t shaped by extensive reading and experience. Yet Dr. Lotan and [DCP] are distressed because I am “closed to new opinions”. I am, in fact, no more “closed” to new opinions than Dr. Lotan or [DCP] are.

I am certain that STEP candidates who enter the program in agreement with STEP philosophy are

• ¹⁹ Document 15

not asked to reconsider their views. For example, no one at STEP has ever been asked to seriously consider the advantages of tracking (which Dr. Lotan personally supports in some situations), or is held as “inflexible” if their reading on the subject doesn’t change their views. No one is asked to reconsider their opinion if they believe that discovery-based learning is better than direct teaching. We are told explicitly in many classes²⁰ that STEP practices are the only acceptable way to view teaching, and are rarely even provided with alternate views. No one else is seriously challenged for holding onto views they had upon entering STEP. Only I am charged with resistance and inflexibility, because I am the only one who doesn’t agree with STEP philosophy.

Dr. Lotan also expressed concerns that can only be described as “brand management”. She wondered aloud what would happen when a principal hired me and discovered that I had views that weren’t in alignment with STEP, and expressed the fear that the principal would refuse to hire other STEP graduates after having a negative experience with me and my views.

I had two responses to her contemplative remarks on this last front. First, I observed that yes, she had indeed opened herself up to that possibility when she admitted me, something she knew full well back in April. (That is, after all, why she tried to deceive her way into rescinding my admission.) I then pointed out that such fears were undoubtedly groundless, as I would never be interested in working for a school that practiced the more extreme of STEP views, and that any school less devoted to STEP preferences would not have such extreme and rigid preferences.

As I wrote earlier, I came out of the 11/17 meeting quite convinced that Dr. Lotan was trying to convince me to leave at the quarter. At the same time, I must stress that none of the issues raised in this meeting were mentioned or referenced in Dr. Lotan’s “concerns” letter.

Two days later, I had an extremely distressing meeting with [Supervisor], my supervisor (described in previous section). I contacted Dr. Rasch again, telling him in a meeting on 11/24 that I was deeply concerned that Dr. Lotan was planning on failing me in practicum at the quarter²¹.

Letter of Concern Received

On that same day, November 24th, Dr. Lotan mailed me a letter saying that she had these concerns and was invoking the Guidelines. Her reasons were:

- Tardiness
- Late assignments
- Failure to “authentically reflect”²²
- Classmates complaining about me
- Instructors concerns

With the exception of a brief mention of my classmates’ complaints, none of these issues had been mentioned in our meeting of 11/17. In fact, after our meeting, I told Dr. Lotan I had to be late to class (Heterogeneous Classrooms) because our meeting had run long and I had forty dollars worth of snacks for the math cohort that I had to pick up. This would have been the obvious time for Dr.

²⁰ Heterogeneous Classrooms, Classroom Management, Equity and Democracy, Curriculum and Instruction

²¹ In fact, Dr. Lotan very nearly did fail me, giving me the lowest possible grade for the course short of failing. I have filed an academic grievance on that issue.

²² This is a reference to [Supervisor]’s low supervisory review and my late reflections. It was never mentioned again.

Lotan to object to my tardiness, yet she didn't mention it. The letter of 11/24 was entirely disconnected from the meeting of 11/17; the letter didn't even mention her purported concerns about my professionalism. This, coupled with the focus that [Supervisor] had placed on "professionalism", led me to fear that Dr. Lotan was seeking to manufacture evidence on two different grounds for expelling me or in some way refusing me a credential.

Another confusing omission from the list is my supervisor's concerns about my lack of professionalism. At this point, [Supervisor] has met with Dr. Lotan (both confirm this), and while Dr. Lotan denied on 11/17 that she knew what my professionalism rating was, she knew that [Supervisor] was going to express dissatisfaction. Moreover, Dr. Lotan mentions my failure to "authentically reflect", a concern that clearly indicates conversation with [Supervisor]. Ultimately, Dr. Lotan gave me the lowest possible grade in practicum based on [Supervisor]'s concerns.

All of this raises the question: why did not Dr. Lotan mention, in a letter about my suitability for teaching, her and my supervisor's stated concerns about professionalism? One possibility is that she didn't think of it, which doesn't reflect well upon her analysis of my situation. The more disturbing possibility is that she was holding the professionalism concerns back to use as "new" evidence against me when she decides to escalate to the next level of the Guidelines.

I don't know why Dr. Lotan left this issue off of her letter, but it is in keeping with her puzzling and inconsistent behavior at this time.

Meeting of December 10

Dr. Lotan, Dean Callan, and I met about these concerns on December 10. Dr. Lotan acknowledged the following²³:

- While she kept attendance logs, she had no idea if other instructors kept logs and had not checked with those instructors prior to writing the letter. Her class attendance was not logged while she was out with her illness. In any event, Dr. Lotan acknowledged that she did not know if any tardiness of mine was substantively worse than any other STEP student. She also acknowledged that she had never mentioned my purported tardiness as a problem, either verbally or in writing--not even in the meeting the week before, when she says she was discussing "feedback" from my instructors and fellow students at STEP.
- While Dr. Lotan's letter said that my "assignments" were late, she acknowledged that I had only (to her knowledge) submitted three overdue reflections. She acknowledged that reflections are a tiny percentage of the bulk of the work we did that fall quarter, and that she had no idea whether or not I'd submitted my other assignments on time. In my view, Dr. Lotan's characterization of my reflections as "assignments" was extremely misleading, deliberately so in order to give the impression that I was an irresponsible student who turned in a majority of assignments late.

Dr. Lotan acknowledged that she had not done any comparison to determine if my reflections were later than other STEP students. She acknowledged that she did not know whether my supervisor, [Supervisor], had told me that the reflections were due within 48 hours after the observation (he had not), nor whether he held his other supervisory student to the same

²³ See Document 17 for a letter to my classmates describing the events of the meeting.

standard (he had not). She acknowledged that I had never been told that there was a problem. In fact, as I told her, I had canvassed other STEP students²⁴, and many of them were unaware that reflections were to be turned in 48 hours after the observations--and many of them hadn't done so

Dr. Lotan said she was extremely upset about a meeting²⁵ she heard third hand about between me and my supervisor, in which I had "raised my voice". Dr. Lotan agreed that she had never discussed the meeting with me to hear what had happened and thus confirmed that she hadn't followed the Guidelines.

- Dr. Lotan made vague reference to other "instructors' concerns", but was not specific.
- Dr. Lotan told me that my fellow students found me "domineering and intimidating". When I pressed her for details, she came up with the following:
 - One student anonymously wrote that I made section "intolerable".
 - Several students asked not to sit next to me in practicum. Dr. Lotan explicitly said she had no idea why they had asked to be moved—in fact, she became quite angry when I assumed that they'd asked because I was domineering or intolerable. I asked Dr. Lotan why she was including these students, when she had no idea if they'd asked to move because I was domineering. Wasn't it not only possible, but likely, that the students asked to move because they didn't approve of my views? Dr. Lotan stared at me for close to twenty seconds before admitting that she didn't know.
 - Dr. Lotan said that several students complained about me in the "November check-in". When I asked how many, she didn't say. When I asked why they had complained, she was not specific.

In all cases, Dr. Lotan was referring to students who objected to my behavior in class. She was not charging me with inappropriate behavior towards other students. In fact, I have never had even minor disputes with any of my fellow students. Dr. Lotan is charging me with being unsuited for the practice of teaching based solely on a small number of student complaints²⁶ about my classroom discourse. At no point has an instructor reprimanded me for any inappropriate behavior. In most of our classes we have to raise our hands and be acknowledged before we speak, which means that much of my supposedly inappropriate speech is done at the instructor's approval. An instructor who wanted to limit my comments could simply refuse to call on me.

Dr. Lotan has no significant evidence about the other two charges of tardiness and late "assignments" (read reflections), and in the meeting it was clear that she regarded the charge about my classmates as the most severe of the ones facing me.

In the meeting, I told Dr. Lotan that I expressly rejected her charges, and that even if she had data

²⁴ Document 15.

²⁵ Meeting of 11/19 described earlier.

²⁶ I am reasonably certain the number is well under 10. If Dr. Lotan could come up with 10 or more students, she would have characterized the amount as "many".

to support them (which she didn't), they were insufficient grounds to declare me unsuited for the practice of teaching. I also told both Dr. Lotan and Dean Callan that I would not be meeting with either of them again about this without a lawyer present.

Letter to STEP Classmates

The day after the meeting, I sent a letter²⁷ to my classmates, which also serves as a more detailed description of the 12/10 meeting. My letter had several purposes. First, rumors had been running around for a while, and I wanted to confirm them.

I also wanted to make sure that everyone knew about the situation. Dr. Lotan focuses on the students who complain about me, but had she surveyed the class for those who like and respect me, I believe she would have gotten a much larger response. I'm much older than all my other classmates and don't socialize with them much, but am still probably among the top five in name recognition--that is, far more students know who I am than I know who they are, and more of that recognition is positive than negative (again, this is my impression). Many students who didn't know about my troubles would be interested and in some cases dismayed to hear about what was going on. If I was to be expelled, I wanted to be sure that everyone knew about it.

Finally, I wanted to respond to those who had complained about me. I knew that complaints were occurring, but had never addressed it because no one did it to me directly.²⁸ I thought my tone was mildly reproachful but also understanding. Still, even if someone perceived it as more critical, it should be noted that these are students who have complained about me as being "domineering" (in class, not to them) and "intolerable" and demanded not to sit next to me. Surely, this constitutes significant criticism of me. I was only giving them my views of the criticism and the manner in which it had been delivered.

Warning Letter

A week later, Dr. Lotan and Dean Callan sent me a second letter²⁹ that I didn't receive until December 29th. In that letter, they said that I was "hostile, argumentative, and insulting" in our 12/10 meeting. I was certainly not insulting. I did not unquestioningly accept their charges that I was "unsuited for the practice of teaching", which they undoubtedly perceived as both hostile and argumentative. I deny this. I did contest their assertions by asking for evidence, which time and again Dr. Lotan acknowledged didn't exist. If they'd wanted me not to contest their evidence, they should have brought a better case. I don't see why I am to be deemed argumentative or hostile merely because my questions forced them to admit they had no evidence.

They also said that my email message to my fellow students (presumably forwarded to them) "instructed them on how they should in future respond to my demeanor in the classroom." I am puzzled at their characterization of this passage, here:

"For those of you who wish to continue requesting that you not sit with me in practicum, make sure you mention the reason so that Rachel can build her case for the next time we do our little dance. "Rachel, I do not

²⁷ Document 16.

²⁸ This is the part of the letter that Dean Callan and Dr. Lotan deem intimidating. (see next section).

²⁹ Document 18.

want to sit next to Michele in practicum. It has nothing to do with her views; she's just an domineering, overbearing bitch." DOB. We could print up cards or something. Don't Sit Me Next to the DOB!"

I can only assume that Dean Callan and Dr. Lotan missed the expressly humorous (albeit with a touch of the gallows) tone here. I am telling my classmates that Dr. Lotan had been frustrated by the hole in her evidence and so, if they want to help her get rid of me, they need to be more specific when they are complaining about me. I do not believe this can be reasonably construed as a serious instruction on how the class was to respond to me. In fact, I end the letter by making it clear that my classmates can decide for themselves how they can respond:

"I'll continue being me, and those of you who feel uncomfortable can maybe learn how to speak up. Or not. Your call."

Their letter also charges that my email "could have the effect of silencing those who are wary of confronting [me] directly" and that I "have not considered that [my] actions could have a chilling effect on other students' ability to express themselves freely."

I find this charge simply absurd. I have no authority at Stanford. My views are not only in the minority; in some cases I am the only person who openly acknowledges having these opinions, most of which directly conflict with those of the professors and instructors. I have no history of browbeating classmates, either in class or out. Surely, the normal view of academic freedom involves protecting the minority from abuse of power or the "chilling effect" of the majority opinion?

If Dr. Lotan and Dean Callan feel my letter was inappropriate, they have yet to provide grounds for that judgment. As they say in their letter, students "should be able to express themselves through any appropriate channel". I chose to express myself politely through email. This again suggests that Dr. Lotan and Dean Callan hold me to very different standards than other classmates. The obvious reason for the different standard is that Dr. Lotan and Dean Callan agree with the complaining students. But that's not sufficient reason for the varying standards.

The letter also included a long "laundry list" of general objectives that I must demonstrate in order to avoid going to the next, "informal" step of the Guidelines procedure. There were nine items on the list. Only two of them were related to Dr. Lotan's expressed "concerns" in her letter of 11/24.

- 2 "Work as a team with STEP faculty, staff, peers, university supervisor as well as cooperating teachers and colleagues at your placement site."—Not mentioned in the original "concerns" letter.
- 3 "Develop and maintain an openness to learning and self-criticism"-- Not mentioned in the original "concerns" letter.
- 4 "Assess your development as a teacher by seeking out and accepting corrective and critical feedback from instructors, colleagues, cooperating teacher and university supervisor."—Not mentioned in the original "concerns" letter.
- 5 "Develop and maintain an openness to learning and self-criticism."—Not mentioned in the original "concerns" letter.
- 6 "Avoid unnecessary personal and professional conflicts related to STEP."—I have never had personal or professional conflicts related to STEP. My only conflicts have involved STEP staff ([Supervisor], [DCP], Dr. Lotan) blindsiding me with shocking criticisms they've never before mentioned, and my stunned reaction to them. The students who apparently complained about

me were doing so based entirely on my classroom discourse. This list included no directives regarding classroom discourse, the only issue with others that Dr. Lotan mentioned in her letter.

- 7 “Submit assignments by the deadline”—as mentioned, this is deliberately misleading. Dr. Lotan already acknowledged that the only late assignments were all reflections. By expanding the charge, she is distorting the nature of her concern and misrepresenting my academic record—to say nothing of holding me to a standard other STEP candidates aren’t held to.
- 8 “Analyze and reflect on your teaching and your curriculum to understand what contributes to student learning.”—not only is this not mentioned in the original “concerns” letter, but any review of my assignments make it clear that I spend a great deal of focus on what contributes to student learning.
- 9 “Use observations of veteran teachers to improve your teaching and extend your learning.”—Not mentioned in the original “concerns” letter.
- 10 “Attend class on time”—finally, even though I am being held to a standard that no other student is held to, I am given a specific objective that was also mentioned in the original “concerns” letter.

This list of faux “objectives” only served to confirm my belief that Dr. Lotan intends to withhold recommendation. The list is not specific. It has no metrics. Violations can be easily construed.

This letter convinced me to file the grievances. Dr. Lotan and Dean Callan are willing to expel me from the program or deny me a credential based on their personal feelings and distaste for my views, not my academic or teaching credibility. They clearly had no interest in giving me specific and concrete steps to improve, even given the bizarrely inadequate criteria they used to deem me unsuited for teaching.

Response to Charges

The charge that I am unsuited to the practice of teaching based on the unsupported—and extremely trivial—items that Dr. Lotan provided is insulting, demeaning, and shocking. Dr. Lotan has made a mockery of the entire Guidelines process by using it for such an overt attempt to push me out for views that she finds offensive or discourse she finds unappealing.

I am incredibly troubled that I can be deemed unfit for teaching simply because some classmates don’t like me, with their dislike based solely on my classroom discourse. The fact that many classmates respect me is deemed irrelevant. In fact, I hope I’m not being too optimistic when I say I am well regarded in STEP and am certainly well known, if only for my contrarian views. Some students stop and ask me about my views at parties or in small conversations, just because they want to test out their thoughts.

Dr. Lotan says she is troubled by my views and by my method of discourse. I suspect Dr. Lotan believes that a straightforward statement of opinion, unqualified by an interrogatory voice (lifting at the end of each sentence) or sufficient qualifiers, is domineering and unpleasant. Undoubtedly, she finds me unlikable. A number of STEP candidates have observed that Dr. Lotan views most STEP students as her children, not as adults capable of self-governance, and this is why she is so solicitous of any problems with me. I agree with this characterization. I do not find any of these reasons to be adequate for declaring me unsuited for teaching.

I have been teaching and tutoring for nearly six years as a private instructor. I have worked with

students at every socio-economic level. I teach English composition to Asian immigrant and native-born high-school students, I have achieved extraordinary success at improving the test scores of low income African American and Hispanic students, and I want to teach in public schools so that I can broaden the range of students I can reach. I am a committed teacher and no one—not even Dr. Lotan—has denied that I have evidenced excellent teaching skills. That I can assert these facts about myself does not make me unwilling to learn, arrogant, closed to criticism or certain of my own perfection as a teacher.

Dr. Lotan's stated concerns rest entirely on issues that she perceives with me as a STEP student and with my views. She has made no effort to determine if these purported behaviors are carried through to my placement (which they have not). If in fact I get along well with my colleagues at my placement school, show up on time, and turn in all my paperwork and tasks in a timely manner at my placement, then surely this should be considerably more relevant to my suitability to teaching than whether or not I am tardy to class (assuming she can ever back up that charge) or my fellow students "don't like me".

Evidence of Disparate Treatment/Harassment:

- Dr. Lotan has declared her concern that I am unfit for teaching using criteria that has not been consistently applied to all STEP candidates.
- Dr. Lotan has not provided evidence to support her charges.
- Dr. Lotan has rarely³⁰ invoked the guidelines in her ten years of running STEP. I request that a comparison be made of my case to the other times Dr. Lotan has expressed concerns that a candidate was unsuited for teaching.
- Dr. Lotan gave me no warning, either written or verbal, about fairly routine behaviors that she apparently believes render someone unfit for the practice of teaching. Surely, all students who are ever late to class should expect a warning letter informing them that tardiness is a serious problem that will eventually lead to a "concerns regarding fitness for the practice of teaching" letter.
- Dr. Lotan gave me the lowest possible grade for practicum, based on my supervisor's low professionalism rating. , yet left her purported concerns about my professionalism off the list of "suitability failings". This inconsistency suggests a larger plan or at the very least an incoherent approach to her designations of "suitability".
- Dr. Lotan and Dean Callan have threatened me for communicating about these events with my fellow classmates, while at the same time saying that students (all except me) should be allowed to express their concerns in any manner.
- Dr. Lotan and Dean Callan have given me a list of generic objectives, many of which had no relation to their original list of concerns, that they can use to move to the next step of Guidelines whenever they decide they are ready.

Grievance #5: Harassment regarding my blog **Background**

My Professional Knowledge

I have been an active participant in the online teaching community since I began working as a

³⁰ This fact is constantly mentioned in STEP's NCATE accreditation documents.

private tutor and instructor in 2003. I have a Master's in Information Science from UC Berkeley (2004), and did my final project on online communities. I know a great deal about blogging, discussion forums, and all major issues in online discourse. I am also well-versed in the type of discussions that go on in teacher and education school student weblogs. I am certain Dr. Lotan knew this, for the following reasons:

1. She had access to my application, which discussed my education.
2. She knew that I kept a website of my work at College Track concerning the raised test scores of disadvantaged minorities, as I referenced it in my application.
3. She received an anonymous email about my online discussion forum by someone who wanted her to be aware that I was discussing her attempts to be rid of me.
4. She saw from that scrutiny that I had engaged in a disagreement with [Teacher Blogger]e, a teacher who she respects as a Stanford cooperating teacher. She thought this alone was reason enough to want me to go elsewhere, as she felt our disagreement meant she couldn't place me with him and that this was an undue burden.

When I began my education at Stanford, I began a blog, separate from my online discussion forum. I called it "Surviving Stanford", a humorous reference to the troubles I had just getting permission to attend and my fears that I might not graduate. I am not much of a blogger. I like to write essays and stories about my students and experiences at school, and that's what my blog focused on. As an expert, I had my own opinions about what was acceptable information to reveal online. For example, I thought [Teacher Blogger] went well over the line of my comfort zone, as he used his own name, his school name, and discussed his students in often negative terms.

I used pseudonyms for all students and a pseudonym for myself. At first, I used real school names, primarily because my blog had no audience to speak of and I thought student pseudonyms sufficient. I never discussed students negatively.

These were my own rules, because Stanford has no blogging policy. I knew that FERPA referred to a school's responsibilities, not teachers, but I still felt that a teacher might be violating FERPA by mentioning an individual's grade issue by the teacher him or herself. As a student teacher, I have no access to official records, so any grades I discussed (infrequently) would be student reported and not due to my knowledge as a teacher.

In short, I was certain that my blog was well inside the boundaries of many teacher blogs, and to the extent that any student was able to identify themselves (something that was highly unlikely) they would not read anything that made them uncomfortable. I consider my stories to be much closer to that of a columnist or raconteur, as opposed to the professional assessment of a teacher.

None of these assertions mean that I might not be wrong. Perhaps there have already been test cases of blogs such as my own that I simply wasn't aware of. But if my blog violated any law, then there were thousands of others that were in far worse violation, and that I had made a strong good faith effort to keep student confidentiality safe by not revealing anything meaningful, using pseudonyms, and rarely telling stories that could be readily tracked to one student. Moreover, I was reasonably certain that there was no serious debate about this in the online teaching community.

I didn't spend hours mulling this when I opened my blog; I had already been working as a teacher for years and had my own code about what I would and wouldn't discuss online, whether it be in

comments sections, a blog, or my forum.

My blog was, if not common knowledge at STEP, something I referenced quite often in class. It wasn't a secret.

STEP Confidentiality Instruction

The STEP website contains exactly five documents mentioning the term “confidentiality”³¹, eight mentioning the term “confidential”, and 7 mentioning the term “privacy”. The entries relevant to this issue:

- 1 A technology requirement document³² for teaching credential, stating that a requirement is that the candidate “demonstrates knowledge of privacy, security, and safety issues (e.g. appropriate use of chatrooms, confidentiality of **records including graded student work, & publishing names and pictures of minors**)” (emphasis mine)
- 2 A handbook on the Elementary Graduation Portfolio instructions, telling candidates to “be aware of confidentiality needs”.
- 3 An identical comment in a document “Step Graduation Portfolio”
- 4 A “STEP Release Form”³³ for STEP students asking for permission to use their work—“ Unless I give express permission otherwise, **pseudonyms** will be used in any publications, presentations, websites or other education or research documents.” (emphasis mine)
- 5 The Parental Permission Form for Case Study: “The student will not be identified **by name** in any written document or oral report resulting from the study.” (emphasis mine)
- 6 Literacy (EDU 228) course description³⁴: “Please also guard the privacy of students and teachers by using only **pseudonyms** for those who appear in your writing.” (emphasis mine)

To the extent the STEP website mentions privacy or confidentiality at all, the clear impression received is that changing the name of the student is deemed considerable privacy protection.

To my knowledge, the only time STEP secondary candidates have been told to change the name of a student for an assignment was for the Adolescent Case Study, which was entirely appropriate given that we discussed the student's official records. In our other papers, we often discuss students as examples; in our Equity Class we are required to select a student to evaluate for signs of equity issues. We were not told to keep the student's identity private.

Moreover, at no point in our STEP courses have we ever been forbidden from sharing our course work with anyone. We have never been told to refrain from sending it to our friends or family, or from putting it on our website as a homework assignment.

³¹ Document 19 , or just view the results here:

http://ask.stanford.edu/search?q=confidentiality&proxystylesheet=stanford_basic&client=stanford&output=xml_no_dtd&as_dt=i&as_sitesearch=http%3A%2F%2Fsuse-step.stanford.edu

³² URL: <http://suse-step.stanford.edu/resources/ctc.html>

³³

http://suse-step.stanford.edu/elementary/handbook_documents/STEPCandidateReleaseForm2008.doc

³⁴ http://suse-step.stanford.edu/elementary/curriculum/CourseDocs_08-09/Fall/228F_2008.pdf

Dr. Lotan and Dean Callan “Discover” My Blog

In early September, [Sequoia Principal], the principal at my placement school, asked to see me. When I met with her, she revealed that Dr. Lotan had informed her two days earlier about my blog. The principal wanted to know why I was writing a blog; she seemed to think I was interested in a book deal. I told her that I wrote the blog as a journal of my ed school travails, and assured her that I never discussed student performance and always used pseudonyms--and that she flattered me by thinking I could get a book deal. She asked if I would consider also changing the name of the school so that Sequoia couldn't be identified. I readily agreed. Her primary concern was due to a previous incident she had with a teacher-writer; the author of of My Posse Don't Do Homework (filmed as “Dangerous Minds”) taught at Carlmont and used her anecdotes to get herself a book deal without giving Carlmont any credit. I reassured her that, in the unlikely event I was contacted about a book, I would give Sequoia approval over any anecdotes I used from my student teaching experience. I felt absurd, but this clearly reassured [Sequoia Principal] and at that point she appeared to have no further issue with the blog.

I was extremely angry that Dr. Lotan had contacted my placement school about my blog without letting me know. The most likely outcome of that notification, as Dr. Lotan acknowledged in the ensuing meeting, was that [Sequoia Principal] would terminate my placement, as it was still early in the school year. I could not understand why Dr. Lotan had not contacted me first.

When I got to the CERAS building that afternoon, I was told that Dr. Lotan wanted to see me right away. When I went into Dr. Lotan's office, I found her waiting with Dean Callan, associate dean. The two of them informed me that I was being reprimanded for my blog.

They couldn't identify any specific reason for this reprimand. Dean Callan said that my blog “might possibly” violate teacher conduct obligations, although he wasn't specific. He showed me a copy of the American Teacher Association Code of Ethics³⁵; I pointed out that my blog contained none of the elements on the list. They both agreed that neither STEP nor Stanford had a blog policy for me to violate, and that they had next to no idea of what online discourse existed in the teaching community. They acknowledged that they simply felt as if it was inappropriate, and couldn't readily point to any clear violation. However, the fact that I identified Stanford meant that they had particular concerns over what was written in the blog.

I asked them to read more of my blog to be specific about what the problems were. I reiterated the history I described above, telling them that I was quite certain that if I was in violation, then many other blogs were as well. I didn't offer this as an excuse, merely as a reason why I shouldn't be reprimanded, given the lack of clear standards, no Stanford policy, and their own admitted ignorance of online discourse. I also pointed out that the post that most offended him, one about “Gigi” (name changed) was an assignment for Literacies class, and if our assignments are by definition violations of student privacy, we'd never been informed. Moreover, I brought up [Teacher Blogger]'s blog and Dr. Lotan's knowledge of it, as this certainly played a part in my belief that I was blogging acceptably.³⁶ The meeting ended with Dean Callan agreeing to review my blog.³⁷

³⁵ Document

³⁶ See Document 16.

³⁷ The letter of December 16th mentions a 9/8 letter sent by Dr. Lotan. I have no such letter, but

Two weeks later, Dr. Lotan asked me to remove my blog, per Dean Callan's announcement that he had found "egregious" violations. The egregious violation was a paper I had written for Equity and Democracy, describing a student "DeWayne" (name changed) as African American.³⁸ I am still unclear as to the exact nature of the violation. I protested, but pulled down the blog, telling Dr. Lotan that I fully expected to continue writing.

I removed all references to Stanford from the blog, changed the name, change the moniker I used. As added insurance, I password protected the blog so that only a few trusted friends could read it. At that point, I no longer considered my blog a Stanford concern. Once the name was removed from the site, I believed Stanford had no grounds for demanding access or ascertaining my blog's suitability.

In the intervening months (from September through mid-December), neither Dean Callan nor Dr. Lotan made any effort to ascertain if other STEP students had any blog or face book accounts. They didn't clarify any guidelines for online discourse. They have never informed us that our assignments for class are de facto "egregious" and "severe" violations of student privacy and must never be shown to anyone else.

In fact, they never mentioned the subject again until a meeting on December 10th (held to express concerns about my suitability for teaching), when Dean Callan told me of an "anonymous email" he'd received telling him that my blog was up and password protected. He was clearly perturbed by the news, and demanded access to the blog. I told him I had no problem with it on first consideration, but would be checking with my advisers. After the meeting, I would never have allowed Dean Callan access to my blog, as his animosity and bias became clear.

When I wrote to inform Dean Callan of my decision, I also informed him again of the fact that he and Dr. Lotan were not only holding me to a different standard than other STEP candidates, but that one of Dr. Lotan's cooperating teachers, [Teacher Blogger], had a blog that used his own name, the name of his school, the names of his students, and routinely violated FERPA by discussing student performance³⁹. Dr. Lotan was well aware of this blog, as she mentioned it in the meeting I'd had with her last April with the ombudsman--mentioned as evidence of the problems I would cause her by having a contentious relationship with [Teacher Blogger]. This specific post described a girl who had failed Algebra four times until she was finally able to get a concession to use a calculator.

I told Dean Callan that, as Dr. Lotan saw nothing wrong with [Teacher Blogger]'s blog and she regularly referenced him and the school positively well after our April meeting, I had no reason to think that anyone at STEP would have a problem with my blog, which revealed nothing substantive and never violated FERPA. I encouraged him again to come up with a policy so that he could give himself the right to demand access to student journals.

On January 8th, Dean Callan emailed me another demand about my blog. This time, he copied the principal of my placement school, an action I found profoundly inappropriate. He again charged

Dr. Lotan is inconsistent about emailing copies. If she mailed a letter without telling me about it, I quite possibly never would have seen it. It was a fluke I caught the 12/16 letter.

³⁸ Document 24

³⁹ See Document 16 and 17.

me with having “seriously breached confidentiality” without ever being specific or mentioning what confidentiality requirements I breached.

Again, this is for a blog that does not mention Stanford. It does not mention Sequoia, my placement school. It uses pseudonyms for students, and discusses no student grades or specific stories. It is simply an account of interesting stories of student interactions, school debates, and an account of the difficulties of being someone with my views at Stanford. Finally, the blog is password protected so it is not open to the public.

I would like to be very clear on this point: I will not give access to Dean Callan or anyone at Stanford access to my blog to review for unspecified “confidentiality” concerns. I believe that the blog is outside Stanford’s jurisdiction. While I would normally be happy to allow someone to review the site to have a genuine discussion on appropriate Stanford policy, Dean Callan’s behavior has convinced me that his primary goal has nothing to do with protecting student confidentiality and everything to do with controlling a student he finds objectionable.

I am now the only person with access to my blog⁴⁰. I hold that this is a private journal that Stanford has no jurisdiction over. Should Stanford as a whole determine that the university does, in fact, have jurisdiction over private journals, then I will pull the blog down rather than give Dean Callan the ability to manufacture more complaints that I am unsuited for teaching.

Evidence of disparate treatment and harassment:

- I was reprimanded despite having never violated a specific policy.
- STEP assignments rarely mention student confidentiality, and to the extent that they do, strongly suggest that change the student name is adequate privacy protection.
- STEP students are never told to keep their assignments private, which should certainly be the case if my assignments are “serious” or “egregious” breaches of student confidentiality.
- Dr. Lotan maintains continued professional association with a teacher who blogs with his real name, school name, and regularly discusses student grade, yet has reprimanded me for far less extensive revelations.
- Dr. Lotan and Dean Callan never made any attempt to ascertain whether other students were writing blogs or sharing course work with friends, families, or colleagues.
- Dr. Lotan and Dean Callan evinced no interest in a blogging policy or in eliminating the risk that I had apparently revealed, but rather ignored the issue altogether until Dean Callan received an anonymous email about my blog.
- Dean Callan is trying to gain access to a private blog, insisting that he has the right to review it. Other STEP candidates may have private blogs, and he has not asked to see them.
- Two instances of direct interference with my relationship with the principal at my placement, both without any warning and both making egregious charges that simply aren’t borne out by the facts.

Standards for Review and Procedural Matters

Were the proper facts and criteria brought to bear on the decision?

⁴⁰ I have changed the password. No one but me knows it.

Dr. Lotan sought to rescind my application because she disagreed with my views and felt they would interfere with her program's coherence. I submit that this is an improper criterion for a university dedicated to academic freedom.

Dr. Lotan and my instructor, [Instructor], used improper criteria for rejecting my Classroom Management Plan, focusing only on the stated views and not on whether the required components were all included.

Dr. Lotan did not ask for my version of the events surrounding my conflict with my supervisor, [Supervisor], despite that being a requirement for the Guidelines.

Dr. Lotan used trivial criteria to declare me unsuited for teaching.

Dean Callan did not use any legal definitions or school policies to declare my blog to have "violated confidentiality", and has not established any link between teacher ethics violations and my blog entries.

Dr. Lotan and Dean Callan have given me ambiguous and ill-defined criteria for resolving their "concerns" about my suitability for teaching.

Were improper or extraneous facts or criteria brought to bear that substantially affected the decision to the detriment of the grievant?

Dr. Lotan, [DCP], [Instructor], [Supervisor] and possibly Dean Callan reveal time and again that they are primarily objecting to my views on teaching, as opposed to my performance as a Stanford student.

Dr. Lotan is using fellow students' criticism of my classroom discourse as a reason to declare me unsuited for teaching.

Dr. Lotan and Dean Callan are allowing their personal bias against me to color their response to [Supervisor]'s behavior.

Dean Callan has offered no criteria, no policy, or anything other than his own feelings of discomfort, as justification for his demand that I close down my blog and communicate to the principal of my placement school directly rather than give me the option of doing so.

Were there any procedural irregularities that substantially affected the outcome of the matter to the detriment of the grievant?

[Instructor] required me to meet with Dr. Lotan about my assignment, which no other student was required to do. The meeting with Dr. Lotan was stressful, as she attacked my views and declared me dangerous to the Stanford brand, and her illness and the required delay meant that I only had three weeks to redo my plan. This added considerably to my end-of-term workload, which was already heavy and was one more assignment for which I had been delaying my reflections, which I thought were of a lower priority, and the delay resulted in my getting a low professionalism rating on my assessment.

Dr. Lotan never gave me any preliminary warning before declaring her concerns that I was

unsuited for the practice of teaching. Had she expressed any concerns earlier, I would have been able to object or address them, depending on whether her concerns were accurate.

Many other students are late to class and have not been notified that they are unsuited for the practice of teaching, or even that this is a key element in Dr. Lotan's assessment of suitability.

The above item holds equally for the purported late assignments.

Dr. Lotan's "concerns about [my'] suitability for teaching" letter asserted that I consistently turned in "assignments" late, when in fact the only assignments that were late were reflections, a relatively minor piece of the STEP puzzle. By using the term "assignments", Dr. Lotan sought to make the charge sound more severe than it actually was.

My supervisor has made several serious charges against me, one involving my professionalism and one my honesty, that were never investigated.

Dr. Lotan and Dean Callan made accusations about me to the principal of my placement school, despite having no clear definition of wrongdoing.

Given the proper facts, criteria, and procedures, was the decision one which a person in the position of the decision maker might reasonably have made?

No one could reasonably argue that I am unsuited to the practice of teaching.

Given my ready agreement to rewrite my classroom management plan, a reasonable decision maker would not have demanded a meeting anyway, nor assured me that my views weren't the problem when they clearly were.

A dean of student affairs would not reasonable demand access to a password-protected private journal.

Dean Callan's response to my blog is neither reasonable nor informed. His lack of awareness of online discourse, the larger teacher blogging community, and his complete lack of interest in developing an online discourse policy for STEP is not one that a decision maker might reasonably have made. Moreover, the utter lack of STEP policies regarding the apparent confidentiality of our teaching assignments makes my reprimand unfair and inconsistent with stated STEP norms.

Neither a dean of student affairs nor a program director of a teacher education program can reasonably respond with equanimity to the news that a supervisor accused his student teacher of lying.