

DAVENPORT HEARING – PART 1

Yes. I'm also recording this hearing.

MS. BENNETT: Hi, my name is Sue Bennett.

MS. FLOERCHINGER: Sherry Floerchinger.

MR. BARRY: Brad Barry.

MS. MATSUBARA: Chizu Matsubara.

MR. MARTINEZ: Dennis Martinez.

MR. HOUSER: Mark Houser.

DR. JARVIS: Jeff Jarvis.

MR. DAVENPORT: Varlo Davenport.

MR. CARTER: Michael Carter, Assistant Attorney General, Dixie State, and in this case (inaudible) committee.

MR. CRAMER: Bill Cramer, Human Resources.

MS. BENNETT: Okay. We are ready to get started. The floor is yours.

DR. JARVIS: Mark is here to answer questions. I, in attempting to take responsibility for the recommendation that I gave, which I think you have, it's based on information that I received in parts from Mark. Mark is a department chair, but also is not tenured. And so, that's part of my desire to take the lead. I thought I would just walk you through my fall, even though the focus of my recommendation was on what happened in a call on November 21st.

When I arrived in August, August 1, I went about the task of needing the school, so it's a brand new semester. It's a brand new dean, a brand new school. The most -- the first initial event on my radar was the new faculty review process that went on with continuation of tenure track faculty and tenure and promotion decisions. And so after that -- the faculty review committee in the school met. I had considered all the candidates, because the deans are required to do a report. And I had done that report, based upon their e-portfolios. And the chairman of the school faculty review committee came to me and said that the -- that Mr. Houser's -- that he hadn't been prepared for what happened at the committee with regard to Mr. Houser and that the committee had voted unanimously to not recommend continuance for Mr. Houser. That was quite alarming to me, because the material in the e-portfolio seemed fine.

I was uncomfortable with a non-tenured person serving as chair, but that was someone else's decision. So that was, I guess, the first sort of surprise that raised its radar for me. I was concerned. I was surprised. But I was still trying to figure out what the process was. I set about

in the fall meeting with the faculties, the full time faculties of each of my -- each of our departments. And on October 23rd, I meet with theatre. I met with the theatre faculty. And you know, the gist of the meeting was: "What do I need to know, as a non-theatre person, about managing a theatre department"? I did similar meetings with music and art and dance. And what I came away with was a couple of pages in notes from theatre. But also, an awareness of an enormous amount of tension in the room, an enormous amount of tension, as that faculty sat around a table, a table that they, I assume, meet regularly at. So later, after October 23rd, I met with Bill Christensen, my boss, about personnel and about the various reviews that had happened in the school. And I raised my concerns about the chair of theatre not being tenured. And I raised my concerns about the vote and the tensions that I was feeling in theatre. We had quite a conversation about it.

At that point, he was asking for my recommendation regarding those various personnel actions in the -- in the school. It was early November, when it was brought to my attention that students and staff in theatre were discussing the results of that faculty review vote amongst themselves. And one faculty member communicated to me that another person had come to them and relayed that Mark was out and Varlo would be chair of theatre and that was going to probably happen in January. So I was very alarmed and alarmed on a number of levels. And so I called a meeting, on November 13th, with the theatre faculty to relay my concern that the confidentiality of the faculty review committee had been breached. And I was pretty forceful, I thought, that this was potentially actionable, disciplinary, a violation of everything. And I also relayed a strong belief that I have that it's irresponsible and unprofessional to involve students in these kind of decisions that we make.

And after that meeting, I spent the next week meeting with each individual full time faculty member in theatre to reinforce that message, that I was very disturbed by the fact that this meeting, which should have -- you know, the results of this meeting should have stayed in the room, were, in fact, floating all over the theatre department. And everybody seemed to be talking about them.

At the same time, I came to the conclusion that it was not fair to Mr. Houser to have -- to not be continued at this stage of the game, since I was new. And so I made a recommendation to my boss that I didn't agree with that decision, and I began two week process of meeting with each member of my faculty review committee in small groups. There's a -- it's a big committee. And it proves impossible to get everybody in the same room. And I met with them just to explain to them what I did, what my recommendation was and why I had disagreed with them. I believed that, you know, they voted unanimously the opposite direction I owed them of conversation about my rationale for disagreeing with their -- with their recommendation.

That brings us up to the third week of November. And I left town to go to a National Association of Schools and Music conference in Scottsdale. And I left with this generic notion that I had some serious problems in theatre to deal with at some point in the spring and some serious disharmony, dysfunction, disruption in theatre. And so while I was in Scottsdale, I asked several of my mentors for advice. I was just sort of casting about what to do. So theatre's on my mind. And at that point, my -- you need to know, I think, that my instinct is what it was with Mr. Houser's recommendation, was that it was too soon for me to buy into terminating anyone. That

it was -- I didn't know anybody well enough. I didn't know Dixie well enough. I didn't know the students well enough to go down that path. It just seemed hasty and premature.

So on Tuesday, I believe, my phone doesn't save those calls that far back, but I think it was Tuesday of Thanksgiving week. I get a call from Mark Houser telling me that a student had just visited him with a complaint about acting class. And that is the complaint that you have in your material. And I'm shocked. I'm disturbed. I asked Mark what he considered protocol to be. And then I reinforced that he should encourage the student to talk with the dean of students. He should encourage her to talk with the police. And I believe that he -- she was told to do that. And Mark proceeded to take a statement from her. He proceeded to ask if she wanted to meet with Professor Davenport, and she was uncomfortable doing so. And I believe that she went to Chief Reid and made a statement for Chief Reid.

And so when I got back after the holiday, I felt like I needed to follow up and get a bunch of information together, and then I needed to talk to Varlo. And that was my plan. On December 1st, got back, I started, went to talk to Del, Del Beatty, the dean of students. I said -- and he had not met with the student, yet. But in talking with him, he alluded to a steady stream of students from Varlo's classes. And he alluded to complaints previous of unfairness and of favoritism. And these are not uncommon complaints. If you've been an acting dean for a long time, you know that students sometimes convent things.

I also, that week, called some friends of mine, who teach theatre and teach acting, and relayed anonymously what I had been told by the student, what was in her statement. And they were shocked at the statements, and they were surprised that there didn't seem to be a safety valve or a way for the student to opt out, a way for the student to stop the exercise. Some of them questioned -- they discussed at length the discussion about theatre pedagogy and how physical to get and how emotional and how deep. And they alluded to some disagreement in the field about certain techniques. And some people do this, and some people do that. And some people do this. And so I was getting an education.

I then proceeded to check my files, the files that were in the school. And there was nothing in Mr. Davenport's file, except for a few administrator class observation forms. So I began to try and find information in the personnel file here, at HR. And I came over to ask for that file. And I asked the HR people, "I need -- we've got a problem with the faculty, and we've got a complaint about a situation in a class with a faculty member." The response was, "Is it Varlo"? And that raised alarm bells for me, and I still was not able to see any material in this office or in this building.

By that point, I had gotten a recommendation from Mr. Houser, which I think you have. And this, ironically, was on this -- the Friday, the 5th, the day that -- the day that Don Hinton's retirement party was going on in Eccles. And I was still trying to get access to the HR file, to get more information. And I saw Mr. -- I saw Bill Christensen at the event, and I talked to him. And he walked back over here with me. Will was not available at that point. Bill said, "Why don't you find out where Varlo is right now"? So I went back to look around, and the acting class was going on. I came back, and the president and Will and Var -- and Bill were in Will's old office. And said, "This is serious stuff, I think, when I read this student complaint. And I'm

not so sure we don't have a responsibility to protect other students from what's going on." And at that point, I was asked to go escort Varlo back here. And I had already verbally communicated to Bill that, based on the student complaint, I thought that Varlo ought to be suspended and probably terminated, based upon the sense that I had that this wasn't the first time that something improper might happened.

[15:44]

So I waited for class to be over and asked Varlo to accompany me over here. And Bill gave his letter, and I followed up on Monday, as I had promised that Friday with my recommendation to have. And what has happened since that point is: That material that was in a -- was in Mr. Houser's files, in the chair of theatre's files, has come to my attention. Materially, the result of the June meeting between my predecessor and Mark and Varlo. My met with every theatre student that wanted to meet with me that next week. And said what I think I was allowed to say, which was just that Mr. Davenport had been suspended without pay and that he had access to a hearing and that I really wasn't able to say anything more at all. I met with a few students who said they were grateful for what I had done, and they were there to encourage me. A former faculty member has also communicated allegations of serious bullying and threatening. And so I'd heard a lot of different messages from students. I've heard from some students that I'm worst person in the world, doing the worst thing I could possibly do to the theatre department. And I've heard from others that this is long overdue and needed. I'm just not happy about any of it. It's a sad day. I've liked Varlo, since I've met him, during the search last summer. I'm disheartened to learn that, over the holiday, there were dinners with students and Mr. Davenport. And apparently, details of this situation, that I thought were confidential, were shared with those students. Some students feel threatened by a group of students, who feel that they need to protect Mr. Davenport. And those students feel real threatened right now. They feel like -- they feel at risk. Whether that's real or not, I don't know. I'm just relaying what I hear from people, when they -- when they talk.

I stand -- at this point, I stand by my recommendation to Bill from December. And I don't know what else to say. I have -- I don't know if you have this in your packets or not. But -- so I made copies of the syllabus for the course in question. And maybe we can hand those to the committee. This goes on the file with Kristy. I should say that I found out about this hearing yesterday morning and was given Varlo's packet yesterday morning. So I've had very little time to review it. But I did note that the syllabi that demonstrate that this behavior might be a generally accepted practice all call for some sort of safety valve, and this syllabus doesn't. Since this, without any reference to the syllabi that Professor Davenport provided in his material, we have added -- I have asked that the theatre department add to this statement to all acting syllabi. And I don't know if that's been tracked yet or not, but there's a copy for you all, if you want one.

We've walked down this path of triggers with the art department, apparently in previous years, with regard to models. You can't do life drawing and figure drawing without nude models, and that is offensive to some students. And so our art program has language in syllabi that prepares students for those and opts -- gives options for how to proceed in a class, if you're uncomfortable with that. The theatre department, I think, is a little behind in that. And hopefully, we're catching up to create these. I've also challenged my department chairs that -- it

was a surprise to me, but I'm new. So a lot of things are a surprise to me. That there are so many students under the age of 18 in our classes and on our campus. And so I've asked my chairs to challenge their faculty to become more aware in each class of whether students in the class might be 17 or 16 or 15. And not that you would change the curriculum or change the course, but that you might present it more clearly and that you might present the challenges and the things that might happen in the course more directly to those students, and that you create mechanisms for those students to deal with those things that they're not comfortable doing. I don't know how I'm doing with time.

But from my perspective, I don't have any way of knowing what happened on November 21st. It's alarming to me that in his notes Professor Davenport seems to have a completely 180 degree perception difference from the student in question of that afternoon. And I'm not sure how that's ever resolved, other than a court. But I don't know that I have anything else to say. I think we followed procedure, as well as we could have in this situation. And as unfortunate as it is, I still stand by my recommendation. I'm just not very happy. So...

MS. BENNETT: Thank you. I want to ask the committee: Would you like to talk a little bit, before we ask for questions, or do you want me to proceed with the questions that we already have? What would you prefer? Let's go ahead? Okay.

Well, some of the questions that we -- that we had. We only have four or five of these. But one of them is something that, I think, you've reinforced, is that there seems to be only one documented student complaint against Varlo.

DR. JARVIS: Well, there are two other --

MS. BENNETT: Are --

DR. JARVIS: There are two other students that have corroborated that account.

MS. BENNETT: Well, so there's this one incident in this one class, on this one day.

DR. JARVIS: Right.

MS. BENNETT: That every -- all of the material says there have been many complaints over the years. But we can't find, and evidently you can't either, any documentation to support that.

MR. HOUSER: I had provided some more documentation that I had in my files, that was not pursued by the chair of the department, at the time, that went to -- went through the chain of command the way that it was supposed to. And the chair felt that it didn't need to go any further than him. The other -- the other side of that, in terms of -- I guess it's outside of the classroom, is within the faculty environment as well. And there is a formal complaint that was filed against him last spring, that we pursued with the faculty member. I guess it wasn't a formal complaint. We didn't formalize it. We met --

(?): So it was an informal complaint.

MR. HOUSER: Yeah. It was informal. Sorry. We met with Varlo and the other -- the other faculty member quite a bit. And I received my council from the chair at -- or the dean at the time and Bill Christensen. And we came back, and we sat down with Varlo and talked to him about the repercussions of what had happened and the situation and asked him for his input and his side of the story. We communicated that. We followed the -- we followed protocol on that as well, policy as we were advised by Bill Christensen to do. And at that time, I provided the -- I did provide -- I did send documentation for Varlo's employee file. Whether that's in his file or not, I don't know. And the dean was allowed to see the thoughts (inaudible)...have that as surety as well.

The other informal letters that I have -- I have had over the years I provided to the dean. As -- after this incident happened, there were a lot of people that came forward and informed me of things that had happened to them throughout. At the same time, talking about this group of students that would threaten to ostracize them or threaten them in other ways, that if they talked about Varlo, if they defended Varlo, that they would be ostracized from the group and not be a part of that group in general at the same time. Those people that wrote those letters, whether it was four years ago, three years ago, two years ago, this year and a few days ago as well that had not been -- and the dean and I talked about that a little bit. Didn't know whether it was relevant to this -- they're relevant to this situation. And if they're needed, then I have them. People that, most of them wish to remain anonymous, their statements are signed. And they are willing to give their names, but only if they are kept anonymous by the committee and by administration, the names and some of the details of the situation.

That the overall picture -- and really not just as me to a chair, but in terms of the policy that I was looking -- that I've been looking at the last four years, as a director of the department and then a chair of the department, fell within a -- well, actually, outside of the boundaries of that policy. And I have those policies outlined as well. The policies that we've -- we discussed last year, in terms of what happened with the other faculty member and those instance. So if those need to be provided, I can provide those as well. But I did that purposely so I would follow -- I would be within policy. And I operate very much that way. And this isn't necessarily about me and my administration. But I believe that I was operating to the full potential of that policy and my knowledge as a chair and my experience with not just this one instance, but over the last five years that I've been here, what I've seen and not really even what I've seen, but what's been recorded. I'm not -- and I've not really been happy that some of that was left lie. And really felt like -- and I think the dean and I are on board together, at this point, that it -- some of this behavior has been encouraged, by not allowing those complaints to move forward or formalizing some of that.

And some of it is minutia in some ways. It's an uncomfortable feeling in class or a time when they felt that they were -- that favors were being played. That -- and -- but there are some serious instances within those experiences that have pushed students away from our department. And they are not willing to come back, as long as Mr. Davenport is within -- is teaching in a department.

[29:37]

MS. BENNETT: Well, the problem that we've had as a committee -- and it's very obvious to us that there's a lot of tension in the theatre department. And there's no doubt about that. But we're being asked to review this very serious situation, based on one incident. And the reports of that incident are very, very different. You said a while ago, Dr. Jarvis, that you had no way to know what happened in class that day.

DR. JARVIS: Other than what people say.

MS. BENNETT: Well, you based it -- according to your testimony, you based it on Cassidy's description of what happened. And what we have are very different accounts of what happened that day from two other students. And it's our understanding there were about 10 or 12 students in the classroom. And it -- I think we have two that support Cassidy's version, but then we have two who reported very different description of what happened that day.

MR. CARTER: Excuse me.

MS. BENNETT: So we're --

MR. CARTER: I think Dr. Jarvis nodding his head in response to your question, for purposes of the tape recording, I would request that you answer audibly, please.

DR. JARVIS: Okay. I'm aware of what you're saying.

MS. BENNETT: Okay. So we're just, you know -- it's difficult for us to come to some sort of resolution, based on this one incident that's been reported in two very different ways. So, you know, this idea that this is a pattern, there have been many complaints, I guess if that's true, then we would like to see some documentation. And we have asked for that, and none has been provided.

MR. HOUSER: Okay. I had forwarded to Mr. Christensen material that I presumed had been forwarded to you. But I'm not aware of what you have and what you do not have. I'm not aware of what was shared with Varlo and what wasn't shared with Varlo.

MS. BENNETT: We have one other account of a student. Her name was Grace Paine, I think, who said that she felt uncomfortable at a production meeting and that she left, because she felt uncomfortable. But you know, some --

MR. HOUSER: So it's the best way to proceed for me to go back to my office and collect that material and provide that to you?

MS. BENNETT: Well, I guess we --

MR. HOUSER: Because I think I was assuming that that had all been provided.

MS. BENNETT: We do not have that. What -- all we have are, you know, very --

MR. HOUSER: Okay.

MS. BENNETT: Just various people saying there have been many complaints, the dean of students had many complaints, the chair had many complaints. You came over to HR, and people said, "Oh, we've had many complaints."

MR. HOUSER: Okay.

MS. BENNETT: But what -- where are those complaints? I'm just --

?: I think we're off --

MR. CARTER: Excuse me. I -- I'm sorry. I do need to interrupt here. There is an interest of fairness here that I think needs to be addressed. The fact that there is being represented that there are four or five years' worth of accumulated information represents in my mind a circumstance of unfairness, in terms of timing. If there were those kinds of instances, it seems appropriate to me that some kind of action should have been taken on those things and that they shouldn't have in effect been saved up until now.

?: And I have some --

MR. CARTER: And that they weren't acted upon leaves them with some dimension of diminished credibility or even relevance to this situation. And so it's my recommendation that there be some kind of time frame established here that is not prejudicial to Mr. Davenport. Because administration, at some point in that process, determined that those were -- in a couple of respects, you mentioned minutia. And someone made a discretionary administrative judgment not to act on them. If there were other significant offenses and someone decided that they weren't so significant as to address them with him formally or informally, then it seems to me that now isn't the appropriate time, from a standpoint of time related fairness. So I recommend that the -- I -- we looked at those -- some of those documents and felt that it was in -- unfair of Mr. Davenport to have to answer back five years ago to something that somebody brings forward now, when it should have been brought forward five years ago. And so in terms of pattern, that was raised at -- in part of the allegation. And the aspect of last summer seemed adequately related in time. Within the most recent calendar year, that seemed appropriate to address here, even though it had been addressed before, because the allegation was made in pattern.

But I'm not comfortable, and I would recommend to the committee that something that has been held in a drawer somewhere for five years isn't appropriate to discuss now, as a matter of timing. If it were relevant, it should have been relevant five years ago, four years ago, three years ago. I'm not comfortable, as a matter of fairness for it to be relevant now.

MR. HOUSER: For matter of record, I'd like to make a statement on my part for that, that I did action on that and was told not to pursue it by the dean at the time. So there was action taken, but it was -- it was halted by the dean.

?: You might want to --

MR. HOUSER: And I understand --

?: You might want to describe the action you took. I think the committee at this point's going to be very interested.

MR. HOUSER: Well, my action that I took was to go to the dean and discuss with the dean the complaints and ask him if there was further action that I needed to take. And he said -- he said that, "There was no further action that you should take," and to leave it al -- to put it away and not to pursue it.

MS. BENNETT: Okay.

DR. JARVIS: I will point out that I became aware of that information after I made my recommendation. And I -- I'm going to follow your advice, and I'm not going to discuss that information any further.

MS. BENNETT: Let -- so another question that we had: If -- when this decision was made, was there any intent to interview other students in the class, or was the decision made that this student is the only one who should be giving a version of what happened that day?

[37:01]

DR. JARVIS: I don't --

MR. HOUSER: I can answer that, if you want me to.

DR. JARVIS: Well, I think we should both answer that, but you may go first.

MR. HOUSER: So I made an attempt to interview all students in the class. I got response form -- well, before I even pursued anything, it was -- it was Cassidy's mother that called me and asked me what we were going to do about, relayed the situation to me. And I said, "I cannot talk to you about this situation, because of FERPA regulations." I said, "You will have to talk to Cassidy and have her go to the registrar and sign a paper that waives her rights to FERPA. And then I can talk to you and your husband and your daughter, if she states that I can talk to the two of you. Otherwise, I will need a direct statement, and I will need to talk to Cassidy directly to get her statement." Now, at this point, I was operating on the basis of just investigation, just trying to figure out, get the whole picture. She sent me the statement. But -- I think the 24 hours after I had -- I had talked to her mother. And she had signed the FERPA regulation paperwork to sign over to her mother and father, who drove down a day or two later to speak with me. And we sat in my office, and we talked.

On the same day that -- no, it wasn't on the same -- on the same day that we spoke to her family, I waited to see what their story was and to get it directly from Cassidy's' mouth, which I

did. And then her family threatened that they were going to take legal action, that they wanted to file charges, and they asked me who to do that with. And they threatened to take legal action. They talked about taking legal action. I don't know that they threatened. And I said, "I cannot -- I can't advise you whether to do that or not, but I can tell you the people that you talk to." And so they asked me who the head of security was. I gave them Don Reid's information. And I gave them the dean's information, because he had told me to tell -- to give them their information, to tell them that they could talk to him. And I gave them Bill Christensen's information and said, "You can talk -- this is -- this is the way this normally goes."

And this is how I approached Cassidy to begin with, is: I said, "Cassidy, are you comfortable talking to Professor Davenport and seeing if this situation can be resolved?" And she said, "No. I am not comfortable." And she broke down, when she did. And I said -- at that point, I took her statement. And what you have in the statement that I have from the witnesses, that I got full statements from and was able to meet with, is word for word my notes as I typed them, as we -- as we talked. And then shortly after that meeting, they left. And they -- I believe they went to Don Reid and filed a report or something like that with him. In which we received word back from Don Reid of our responsibilities and that we had -- we had followed protocol that way.

Shortly -- I should back up here. Shortly after the meeting -- actually, after the phone call, when her mother called me, I called Dean Jarvis, as soon as I got off the phone with them, and asked him for advice on the situation. And he advised me to do exactly -- to follow protocol, to -- he asked me if I had asked her if she would resolve it with Professor Davenport. And I said, "I asked her, and she said no." And he said, "These are the next steps that we need to take. Follow the -- follow policy." And I knew that policy. And I reiterated that to him, so that he would know that I understood what that is, the chain of command, which is it comes to me. And I do what I can within the realms that I -- that I'm capable of doing on my part in the department to find out what the big picture is.

So I approached Cassidy and asked her. She had -- in her statement, she had stated that there were two students that had witnessed the interaction and had approached her afterwards and had consoled her and said that they were sorry that things happened the way that they did. So I asked her for the names of those students, and I looked their e-mail address up in Banner, had our secretary do that and get them to me. And I approached them about meeting with me, just to see if I could gain some more information from them. And I did so, and I spoke to both of them. I also had a third Ryan Hughes, who was -- who met with me for -- he was on his way to class, who met with me for five minutes. So I didn't get to finish the info -- the interview with him. And we were supposed to meet about scholarship and other things, so I was going to -- I was planning to finish that with him. So I talked to the other two young women that had approached her after the class, and they corroborated her. And this was separate from her, and this was almost a -- pretty close. She wasn't on campus at all.

She had gone up north to stay with her mother, because she was afraid of being on campus and in the classroom. So she was going to stay there. And we advised her that we would -- we would talk to the dean. And we both felt good about rewarding her a grade in the course for the rest of the semester, depending on what happened, and not subjecting her to that

course. If she was uncomfortable with being in that classroom, we felt that that was adequate measure to make her comfortable and to provide what we needed to for her parents to feel comfortable and know that we were doing our part.

[42:54]

And I commuted with -- communicated with them as much as I could within policy. But I didn't do it further than -- I didn't provide them with any confidential information of the process that we would pursue. And it was -- according to their complaint would come directly to me. I wouldn't take it to the dean, provided I saw enough evidence to take it to the dean and see it further. I would go off of recommendations that the dean would make. And then it would pursue down the line from the dean, if it was to go further or pursue down the line from the dean to the vice president to the president and perhaps to a committee, if it was to be taken that far. In my understanding, that's the protocol for any -- and what we've been following and not following.

So I had the other two students come in. They -- without any contact with her, that I know of, they corroborated her story as a violation to this student in the classroom. And at that point and with the language that they used -- I mean, I first went off the language that Cassidy had used, which is in my report. And those are -- those are her words that she used that I have in quotations there and (inaudible). And the words that I use in their statements in my report are also the words of those students that I interviewed directly, and I typed those as I was -- as I was talking to them. And the environment as described by those three witnesses was a violation of that student's -- really just a violation of her person. And went beyond where we would normally go in a classroom without advising the students beforehand. And I had asked each one of them if they had been advised beforehand. And both of them said that they had not been given any kind of safety words or advised of the measure that they would be taking within the classroom. And I asked them if they remember it being on the syllabus. And they said no, that it was not on the syllabus. "We were not informed of where we were going. And it went farther than we feel that it would -- it should comfortably go."

And with the language that they used, which is in my report, I felt that it needed to go further. For one, I've learned that I have a responsibility as a chair, within policy, that if I -- if a student has -- if there's even an insinuation of a student being harmed and certain terms are being used and it feels like a threatening situation. No judgment was passed, at that point, on anyone, as had been the case throughout. Because I was just gathering the entire picture.

Ryan Hughes, who was the student that I talked to, the third student that I talked to, answered a couple of my questions. And his response was -- to asking if there was any safety protocol in the syllabi or if they were informed in the class, was, "I don't remember. But I -- I'm pretty sure" -- or I'm trying to remember. I had my -- I have notes that I plan on finishing in a meeting with him, when we finish the conversation. He said -- let's see. He said, "I don't remember, but I'm sure he did," were his exact words in that.

That said, with the witnesses being provided, I would also bring up a -- kind of a time relevancy to that, if I may. I would like you, as a committee, to look at the dates of those witness

-- those witnesses on Varlo's parts. There is a group that call themselves, "Varlo's Army," that has been around for years, who are the ones who have been threatening students, too. And I have witnesses, if we need to bring them in, that attest to these students threatening to ostracize them from their group, from the theatre department, if they defend Varlo's position. And I would ask you -- and we've got a list of those students, because they posted a post on Facebook, which has since been re -- erased. But I recorded their names on that list. That list was sent to me by students, who can corroborate that that was posted online. That you look at that list of names, which I've provided partially to the dean. And I've got -- since I've interviewed two more students, who have come to me, I haven't approached them, who've come to me since they've found out that Varlo was put on administrative leave, and talked to me about the situation. That have confirmed that there are other students that are part of that, whose names were on that website as well. If we need that information, I can bring them in, and they would be willing to -- as long as they're -- there are two of them that are reluctant, because of the nature of -- and I have a concern, too, the way that information was put out that some of -- I don't know how many of those names were provided to Professor Davenport or that -- is what I'm getting at here. That's a concern of those students, and they would -- two of them would like to remain anonymous, if you (inaudible), except for administration and the committee. And they're willing to do that.

At the same time, there was a dinner held for Professor Davenport where about 12 or 13 students attended. And three -- about three-quarters of these students that attended are the ones that had their names on that -- associated with that. Re -- and if their statements are in what you have received, I would invite you or encourage you to investigate that. That if it is after the time that our reports were filed, that I believe that they are bias and tainted, because of the information, the confidential information, that was shared at that dinner among those students. And there's also postings on Facebook, which I have -- I have -- which are still there. And I have students that will attest to where they witnessed the -- Professor Davenport and the students and of talking back and forth badly about administration.

MS. BENNETT: Okay.

MR. HOUSER: And the hatred that they have for administration. And the -- and again, I don't -- I'm not passing judgment. I don't know who was saying those. But there are students that were uncomfortable with the situation, who let me know that those things went on.

MS. BENNETT: Okay.

MR. HOUSER: And that information was what came back to the dean and that we were surprised about. And some of that I didn't know, until he's just now stated that --

MS. BENNETT: Thank you very much. That clarifies a lot for us. We would like to take just a -- maybe a five minute break and let the five of us talk a little bit, if you'd mind --

MR. HOUSER: Sure.

MS. BENNETT: -- just letting us have the room --

MR. HOUSER: Sure.

MS. BENNETT: -- for a few minutes? Maybe Varlo, not quite 4:15, 4:17. Thank you very much.

Well, may we turn this off, since this is unofficial maybe?

DAVENPORT HEARING - PART 2

MR. CARTER: In my earlier recommendation that we not delve into this other documentation, I didn't want to be misunderstood. The allegation has been made by the line administrator that there is something of a pattern. They're in a position to receive these reports from students. Students often want to be held in anonymity. And so I think the committee's in a position, from the standpoint of the allegation, to consider what they're saying from the standpoint of their position and their history and their experience. Mr. Davenport can address whether or not he thinks there's any kind of history or pattern. But I don't think we would be appropriate to delve into that documentation nor to hold him, four or five years after the fact, to answer to specific allegation. I think the committee's entitled to consider what's been said, as a matter of relevance, on the issue of -- out of pattern and the allegation of pattern. Because of their position to receive student comments, complaints, and that's what they do. And so I think you -- I think you take that in context of them being their job.

MS. BENNETT: Okay. Thank you.

MR. DAVENPORT: All right. Well, thank you. I appreciate your time. I apologize for my part in taking time over your holiday break and the need to be here. The first question just about everyone I've spoken to in the last eight weeks has been, "So, who are you going to have go in with you? Do you have a good lawyer? Who's your representation?" Now, I have researched out and sought legal advice. I've spent time with Steven Bangerter getting explanations of my rights and responsibilities. But I have no desire to bring lawyers or, you know, union muscle or anything else into this. Because I don't see that doing anything, but bringing in an adversarial relationship. And I think this is something we can talk through.

I have no desire to fight the school. As stressful as the last eight weeks have been, it's really nice to be on campus. I love this place. I have roots here. I'm proud of my time at Dixie, and I hope it can continue for a long time now. This hearing -- this exercise in academic self-governance is the ultimate expression, really probably the very reason for the tenure system. A tenured professor's been accused of inappropriate behavior and so is offered the opportunity to be heard out by a panel of peers. And so I appreciate that, and I think it's a very valuable thing.

I don't think I can address all of the things that have been asserted in the 45 minutes I have been given. And so because it is what is on the letter that I received from Dr. Christensen, on December 29th, I'm going to address his assertions, which listed as: the allegation of assault from Cassidy, grabbing her hair, pushing, tugging her shirt, yelling her, asking other students to touch Cassidy without her permission, failing to provide her with a safe out and taking an acting class beyond acting and into real hostility and anger. And has been said, there are two corroborating witnesses. We'll have more about that later.

What I am going to show through my presentation is that, at the beginning of the semester, I discussed with my classes what we would be doing, that the work would be intensive and challenging and that I gave them an out to any exercise. What was going on -- second thing: What was going on in class that day was a relatively common acting exercise in physical resistance and can be found in subject literature, many, many syllabi and will be verified by

former and current students. I'll just tell you current teachers. I will also provide other witnesses, who will dispute the report that I had crossed over into real anger and hostility.

In my initial meeting with Drs. Christensen and Jarvis, it was also stated or implied that I would need to show in my defense that the techniques I utilized were -- had pedagogical support. To accomplish this, I've got to spend a little time -- and I know most of this is written down. But I want to hit the highlights of what I think are important to understand about the teaching of acting. Dr. Ross Prior, in his Landmark book, "Teaching Actors: Knowledge Transfer in Actor Training," states, "Difficult as it is to pin down, acting seems to be more than a checklist of practical skills. Although undoubtedly performance skills, for example voice control, are important. However, enabling skills are also essential, if an actor is to grow on their own. Unlike warm -- other forms of education, an acting teacher or coach is concerned with your entire being as an artist: Emotional, mental, physical and spiritual." So there is that aspect. In addition to that, as an actor, you are also supposed to know and understand - and I'm paraphrasing Richard Boleslavsky - the great literature of the world, the artistic movements, paintings, sculpture, psychology of motion, psychoanalysis, the expression of feeling, the anatomy of the human body, psychology and psychoanalysis. In addition to that, you're also expected to have an understanding, connection, control to your memories and emotions, your essential humanity. You bring those skills and sensitivities to a script and the rehearsal process, and you're expected to go before a crowd of strangers and represent the best and worst of human behavior.

"To do this requires a willingness on the part of the student actor to explore personal feelings and experiences that will make them emotionally vulnerable, while they learn to make real emotional connections to the text and to the characters they're playing." Of pray -- of training, Prior explains, "The body of the actor must undergo a special kind of development, such as developing an extreme sensitivity of body to psychological creative impulses. While acknowledging that there is no substitute for experience, training is viewed by many writers in the field to play a significant and essential role in the development of beginning actors, particularly mastery of techniques that enable actors to feel more effectively." And the Russian great theorist and director, Constantin Stanislavski, in his book, "An Actor Prepares," says, "That is why an actor of our type is obligated to work so much more than others, both on his inner equipment, which creates the life of the part, and also his outer apparatus, which would reproduce the result of the creative work of his emotions." And it doesn't help that you're supposed to make the work appear effortless.

And that even on a student level, you're not being compared to your peers. It's not like pee-wee football. If someone comes and sees a play almost anywhere, they expect a professional performance. So to get there, on the most basic level, you have the acting class. In his research, Prior found, "A common subtheme emerging from the data is that acting cannot be taught. Rather the ability to act can be improved or refined through experience, both in training and professional experience." One of the interviewees, Terri, quoted, "I believe you can't teach acting. I think you can only coach it, you know, inspire it."

So it may be useful to think of actor training more along the idea of a coach working with an athlete than standing up in front of someone in a traditional classroom and giving them

information. The written information on the subject could fill yards and yards and yards of library shelves. Despite that, there isn't a -- an ultimate acting book. There isn't, you know, one true way. And so like most acting instructors, I work from all possible sources: Greek and Roman mask work, Renaissance techniques, the Commedia, head setter psychological techniques and highly physical techniques developed by post-? practitioners, such as the Polish director Krzysztof Kieślowski and the Russian's Meyerhold, Vakhtangov and Michael Chekhov.

I come to a classroom with a lot of tools in my pedagogical toolbox, which I use or have usefulness depending on the given situation. Robert Welker, in his book, "The Teacher as Expert," states, "Many acting coaches do instinctively what they cannot readily discuss, which suggests the passive knowledge carries with it high levels of expertise. In fact, this concept that is used to describe the startling ability of experts in a variety of fields to explain the brilliant strategies which carry the moment." But this is the concept: "This observation reveals a new appreciation for the complexity of human understanding," lost my place, "Expertise appears to mean far more than having the right answers of formulating rules and principals to govern professional behavior. It refers to that sense of familiarity, which though grounded in experience and practice, appeals primarily to the sense of intuition and feel."

That being said, I'm going to try to walk you through the most common approaches. Constantin Stanislavski developed, what he's probably most famous for, is "The Method." And that is that idea that, in its simplest form, you have a situation you're portraying on stage. You try to think of an analogous situation and how did you feel during that time. And then you bring that emotion to the student's work. You ask them to think about that. You ask them to think about a character someone has -- they've had someone close to them die, so you have them think about, you know, someone close to them die. Okay? The problem with that technique is that we, as human beings, emotionally insulate. And so those connections become more and more tenuous as time goes by.

I, personally, prefer the methodologies of Sanford Meisner and others, who move away from effective memory and encourage the use of imagination. In an imagination exercise, let's say I need you in a scene to be scared to the point of not being able to walk. Well, let's say through discussion I find out that you're frightened of spiders. And so I say, "Okay. Imagine this: Imagine you're sitting in a 55 gallon drum, and I pour in a box full of daddy-longlegs. And I close the top. How would you feel?" And so you're finding -- really trying to find something that will give them an organic emotional connection to what it is that they're doing. But yet, just as academic educational theory advocates the idea that there are a variety of learning styles, the same holds true for actors. For some, neither of these techniques will work and in a very general sense. In the 1960s, the work of Jerzy Grotowski, Vsevolod Meyerhold and Michael Chekhov and a number of French movement specialists comes to prominence. Each one creates versions of what are referred to as "physical resistance." It takes on a number of different forms. In some cases, they essentially develop "katas" that they ask actors to repeat. In some schools, it means having a coach or other students physically interact and manipulate others, while they're doing scene work, by annoying, disrupting, making them uncomfortable or giving them distressing behavior. Trying to create that initial spark, that response, that resistance to what it is that you're doing and then carrying that into the work that you're doing. But you're generating an organic response.

Imagine your line in the play, since we've all hear this one probably, is: "You can't handle the truth." Presuming that neither of the first two techniques, I might explore a variety of increasingly upsetting, even anger inducing stimuli to help you get to a level of frustration or ire that gives -- that allows you to give yourself permission to explode with that line and expose what you might consider part of your best or worst self, your essential humanity. So you might be instructed to stand up, and so I, or I would have a student, hold you down in the shoulders and pull you back in your chair. And so if -- you're trying to fight that, you're trying to pull away from that, until the point where you genuinely push, where you genuinely fight for what it is that you are trying to achieve. We spend so much time and effort in our lives suppressing our emotional selves. If someone asks us how we're doing, we don't tell them how we're doing. 'Cause they're not really asking, you know. What you're supposed to say, "Eh, good. Thanks." I'm not saying anything new or original to say the displays of emotion are discouraged today. But passion is also seen as crazy. My favorite example is Howard Dean's attempt to rally his troops in his 2004 presidential campaign, where he was screaming, "Yell," and trying to get the works built up. But it failed, it backfired on him. Furthermore, honesty is set aside for the sake of social convention, putting us in danger of Thoreau's fear that when we come to die, we discover that we have not lived.

Joseph Roach in "The Player's Passion," observes, "The unnatural experience of stepping out on stage, however, is like a vivisection, a trauma that impinges upon this free-flowing continuity of stimulus and spontaneous response. Stage fright - it's self-adaptation to stress - threatens even the natural reciprocity of mind and body, which may be taken for granted under normal circumstances. It engenders a psychological paralysis, though, which frustrates the natural completion of even the most commonplace tasks. Another one of the acting coaches from the "Teaching Actors" book notes that, "To work past the blocks that sometimes arise in a student's work, you have to be of a passionate temperament." It doesn't mean you have to be mean. I'm not meaning -- I'm not mean in that sense. I'm not. I can, if I really have to push them for some reason. You just have to be able to push them. Now, in her article, "Academic Freedom, A Guide to Major Court Cases," Fran Lair quotes United States District Court Judge Charles Wyzanski in *Malu v. Kylie* that says, "The heterodox, as well as the orthodox, are a source of individual and social growth. We do not confine academic freedom to conventional teachers or to those who can get a majority vote from their colleagues. Our faith is that the teacher's freedom to choose among options for which there is any substantial support will increase his intellectual vitality and his moral strength."

MS. BENNETT: Varlo?

MR. DAVENPORT: Yeah?

MS. BENNETT: Could I interrupt you for just a minute?

MR. DAVENPORT: Yeah.

[16:24]

MS. BENNETT: I want to make sure that you have plenty of time --

MR. DAVENPORT: Yeah.

MS. BENNETT: -- for your witnesses.

MR. DAVENPORT: Yeah.

MS. BENNETT: And I want to assure you that, as a committee, we read your materials very carefully.

MR. DAVENPORT: Okay.

MS. BENNETT: And enough of us our familiar with theatre --

MR. DAVENPORT: Okay.

MS. BENNETT: -- that we understand --

MR. DAVENPORT: All right. Thank you. I wasn't sure.

MS. BENNETT: -- that some of the methods --

MR. DAVENPORT: I didn't know --

MS. BENNETT: -- yeah. That the methods are un -- my son was a theatre major. So --

MR. DAVENPORT: All right. I don't want to put you to asleep.

MS. BENNETT: That's one thing we talked about, that we don't want to use all of your time --

MR. DAVENPORT: Sure.

MS. BENNETT: -- convincing us that this is a technique used in theatre. We know that. So...

MR. DAVENPORT: That being the case, I'm going to skim -- I'll skim a little more.

[17:04]

In the class in question, I was working with Cassidy and Ryan from a scene from "A Moon for the Misbegotten." In the scene -- this is in here. She con -- there -- it's a -- it's dealing with a matter of drug addiction. If I had known -- I had no idea Cassidy was 17. That would have tempered where I was. I also had no idea, because it's not any of my business, that she had a family member who had a problem. I would have steered her away from the scene, if that had happened. But because it was raised in one of the earlier comments, to ask her to explore a

situation that she may have, does she know someone who has a drug addiction and bring that to her scene is a perfect explain of an effective memory exercise. All right.

While we working, I was getting a flat, emotionless and lifeless performance from Cassidy. In order to try to elicit an organic response, because we worked through the other processes and procedures that I had, I ended up having students go up and pull on her. They were very tenuous, and so I got up and interacted with her. After the class, she was upset. That's common. It's a very normal thing for people to come out of an acting class and be upset, because you're tendering parts in your -- inside. One of the things that I found in the literature, which I want to incorporate, because it's brilliant, but has only popped up in the last couple of years, is: We've gotten really good at pulling emotions out of people. But what I would like to incorporate to any of my classes now is an emotional cool down, which is a -- from what I've seen, a relatively new idea. That you give your students a tool to help them back away from an emotional response -- emotional experience.

Did I give Cassidy a physical resistance, something to fight against in order for -- to create an organic response? Yes, I did. Because I was using every technique that I have, that I know, all of the work, the resources that I had in my pedagogical toolbox in order to pull a performance out of her that was hiding back behind the curtains. It would poke its head out every once in a while. I'm trying to pull that out of her. At the beginning of every one of my performance classes, I tell the students that through the semester I will stress them. I will challenge them. I will push every button that they let me push, but when they stop, we stop. Now, there are a number of students who can verify this. I have some of them outside. I believe they've all been sworn in. So I'm going to start bringing a couple of those in. Okay?

MS. BENNETT: Yes.

MR. CARTER: Do you want them to sit?

MS. BENNETT: Whatever would make them most comfortable is what I want. Go ahead. Let them feel they have a chair at the table. That's a good idea. We started a little bit late, so we're going to run a little bit late.

MR. DAVENPORT: All right. Jacob? This is Jacob Beacher.

MR. BEACHER: Hi.

MR. DAVENPORT: And thank you for being here --

MR. BEACHER: How are you?

MS. BENNETT: Would you like to sit?

MR. BEACHER: Sure.

[20:59]

MR. DAVENPORT: Jacob, I just have some questions I'd like to ask you.

MR. BEACHER: Sure.

MR. DAVENPORT: The first one is: How many classes have you taken from me, performance classes?

MR. BEACHER: I have taken voice induction. I've taken acting two, acting for the camera. I feel like there's one more, but those are the ones that come to mind immediately.

MR. DAVENPORT: Okay. In those classes, do you remember being given the power or authority or option to stop any exercise that you were uncomfortable with?

MR. BEACHER: Always.

MR. DAVENPORT: Always?

MR. BEACHER: With all teachers, including yours.

MR. DAVENPORT: Okay. Great. That's actually the wrong set of questions. But in those classes, did you ever threatened or victimized or perceived another student as being victimized or threatened?

MR. BEACHER: Never ever, no.

MR. DAVENPORT: Okay. That's everything I have --

MS. BENNETT: Okay.

MR. DAVENPORT: -- for you. Jacob, if you would, send --

MR. BEACHER: Sure.

MS. BENNETT: Thank you that helped.

MR. BEACHER: Thank you very much.

MR. DAVENPORT: -- Serena or Erica in?

MR. BEACHER: Sure.

MR. DAVENPORT: Hi, Erica.

MR. BEACHER: Do you need us to wait here or --

MR. DAVENPORT: You can go. Thank you.

MR. BEACHER: Okay.

MR. DAVENPORT: Erica, have a seat.

Okay.

MR. DAVENPORT: I'm going to -- I'm going to ask you some questions.

?: Did anyone have any questions for Mr. Beacher, before he's excused?

Group: No.

?: Did either of you have any questions for Mr. Beacher, before he's excused?

MR. HOUSER: No.

DR. JARVIS: I do. I do.

?: Then you probably should ask him back in just real quickly.

DR. JARVIS: I think so.

MR. DAVENPORT: Okay. Go ahead and step back out, Erica.

MS. BENNETT: I hadn't thought about having our own questions. Okay.

?: We'll need it to be brief --

MS. BENNETT: Right.

?: -- because of the time frame. But this should -- that should be the appropriate --

Group: Sorry about that.

MR. BEACHER: You're fine. You're fine.

?: We will in a minute, yeah.

?: Okay.

DR. JARVIS: So Jacob, I just have one question for you.

MR. BEACHER: Yes.

DR. JARVIS: Shortly after Varlo was placed on administrative leave --

MR. BEACHER: Yes.

DR. JARVIS: -- there was a dinner held --

MR. BEACHER: Yes.

DR. JARVIS: -- for him.

MR. BEACHER: Yes.

DR. JARVIS: And I believe several sessions. I don't know if you were present at the other sessions of people getting together with him. But what I would like to know is what you witnessed during that dinner? And I don't like to put you in this spot. But there was rumor of concerns from you back and forth from the students that were present at that dinner and statements made that there were derogatory remarks made at that dinner and that students were given some information that they probably should not be given. And I know you don't have any idea whether it was conf -- confidential information or not. But --

MR. BEACHER: Right.

DR. JARVIS: -- that's not my question is: What you --

MR. BEACHER: Okay. So --

DR. JARVIS: What you witnessed at that dinner.

MR. BEACHER: So I understand the questions properly. It -- the dinner was actually my idea. I didn't know anything that was going on. I have a very strong connection to a lot of the teachers here. I've said this to many of the faculty members, but nothing against science or any other department, but just acting, it's always personal. Just because the teachers play with your emotions. And they play with your -- and they -- as an actor, you need to dive into these worlds that sometimes that you're not comfortable with, to explore and to be able to portray your characters truthfully on stage. Because there's always honesty. And so I -- and I wanted to do something.

[24:58]

So I got a group of people together, and I said, "We should have a dinner to support Varlo." Nothing against anyone else, just to show support, that we love you and that he means something to us. Because --

MR. CARTER: And on Jacob's behalf, I would like to say that he did convey that to us.

DR. JARVIS: Yeah.

MR. BEACHER: And so that night at the dinner, a bunch of us met beforehand, and so it was a surprise. He did not know anything about it. And so we -- there was -- I would feel comfortable saying there was probably at least 30 people there. A wide variety of people, husbands and wives. My wife was there. And so when he came in, we shouted and just kind of like, "He's a jolly good fellow," type thing and just you know. And that was just a happy, good, uplifting evening. And a couple of times at dinner, we were trying to -- I mean, obviously, we're all curious. I can't lie there. We were kind of curious. But I can honestly say that Varlo was always very upbeat. He said nothing against anyone. He didn't say anyone's name or put anyone down. He -- I think him and his wife both, I think, acted and always been very, very respectful and didn't say anything against anyone.

Towards the end of the night, Varlo did pull me aside, and we had a little conversation in the hallway. And just asked that if there was anything that -- I asked him, I said, "If there's anything that I can do to help you or help the situation," because I was still in the dark, I had no idea about what was going. Obviously, as students, your minds wander. I'm -- I have to be honest on that. And so he asked me if I would be willing to write a letter, a character letter, on behalf of him. And I said that I would be more than happy to do that, because I have a good relationship with all the teachers, including Mark and the dean and Varlo. And so I said, "I would be more than happy to do that."

And so I don't know if you have that letter. I did write the letter --

MR. HOUSER: Don't? It's in a file somewhere.

MR. BEACHER: I have it in my e-mail. I can e-mail it to you guys, if you would like.

So I wrote the -- and I wrote the -- and so I just offered my love and support with him. My wife was there. So -- and I did leave. I was probably one of the first to leave, because we had kids. We went home. But in my experience when I was there, I saw nothing but good behavior. Varlo asked me to do -- write the letter, just a character reference. And then in the character, he did specifically say write if in class if there was ever anything of -- like, if -- like, kind of the questions that you asked me. Like, if you ever -- like, as an actor, like, you always the choice to say no, or you always have the choice to, you know. And so -- and which is true. Because always -- they've -- all the -- all the professors have always been incredibly diligent about, "Are you okay with this"? 'Cause -- I think and also in that letter, I put that. Like, if I'm not -- there was a couple of times where, like, my son was in the NICU last year. And he -- we didn't know if he was going to live or not. And it was a really dark time for me. So there was a couple of stuff in his class that I was just -- it was really heavy for me. And he knew that. But I felt safe, because he always creates a trusting environment. And so I felt that I could explore those emotions in class. And he knows my family. He came to my son's baby blessing and that meant a lot to me. And Varlo means a lot to me, because I know that he knows my family. And -- I'm sorry. And I know that he -- and I know that he's always treated me good and kind. And I know that he cares about me. And so I know that he would care about my emotions and my safety, both physically, mentally, spiritually, anything like that. So Varlo's always been nothing but kind and good that way.

So at the dinner -- sorry. To answer your question, at the dinner, in my experience when I -- when I was there and I was left, that's all that I heard. That's all that he asked me to do. The rest of it was just we gave him a hug, and we offered our support. We had dinner, and it was pleasant evening. So when I left, that's all I experienced there.

MS. BENNETT: Thank you very much.

MR. BEACHER: I'm sorry.

MS. BENNETT: We appreciate that. Thank you.

MR. BEACHER: Is that -- are we good? Okay. Thank you. I'm sorry. Do -- am I good to -
- are we good now? Do I need to go?

Group: Yeah.

MR. BEACHER: Do you want someone else to come in or --

MR. DAVENPORT: Yeah. Hold on a minute.

MR. CARTER: No. You can go ahead and go.

MR. BEACHER: Okay.

MS. BENNETT: Thank you.

MR. DAVENPORT: I have a couple of other students, who are basically going to say the same thing, if I ask them those questions. And so for the sake of time, I'm fine if we move onto the next step.

MS. BENNETT: Okay.

MR. DAVENPORT: Is that all right?

MS. BENNETT: That's fine.

MR. DAVENPORT: Okay. Good. That being the case, the other people that we need to swear in are here. Do they need to be in here to do that? Okay. Then let's get them in.

MS. BENNETT: I guess. How did you learn about this party and what was going on --

MR. HOUSER: I had students --

?: Let's not do that --

MS. BENNETT: No? Can't do that? Okay. Okay.

MR. HOUSER: That's fine. Sorry. Thank you for allowing me this.

MR. DAVENPORT: You guys are good. Thank you.

Okay. Kim Ivins.

(Witnesses were sworn.)

MR. DAVENPORT: Okay. Thanks you guys. I'll need a second.

Okay. Thanks. Thank you.

[32:09]

I know you have the files that I sent you, and I knew that the statements of physical contact in those syllabi might be perceived as a little bit ironic. But my purpose was to show that it is very common across the country for that type of work to be done. Okay? That was -- that's my point of having them there. It wasn't -- it does show that, yeah, I should have something written in my syllabus. But we'll -- we will get to that in a little bit more. I'm delighted to see this from Dr. Jarvis. There is -- I don't know if you got a copy of my files. But in the files, there is something. I think I labeled it as, "New Policy," or something, which is a handout that outlines what will be happening in a class that requires a student to sign it and turn it back in. I think that's another great protection to put in there. The other thing that I think we should do is: I think it would be a very good idea for the theatre program to develop an acting for non-majors course. So that we have something for people who want to just explore the discipline, other than undertake professional minded study.

I have the articles that I included. I didn't grab the stack of textbooks, but there are texts also that address this kind of work. In the files, you also have letters from current and former students. Some of them, who are working in New York and Los Angeles, talking about the ethicacy of the kind of work they got here and what difference it's made in their professional lives. I also have letters of support from people from all around the country. The one -- the one I wanted to really emphasize and I ask you to take a look at was the note from Dr. Robert Nelson, who is a professor at the University of Utah, who was the former head of the theatre program at BYU. Who asked some of his peers -- he doesn't teach acting. But he asked some of his peers if they had anything they could add. And I find it ironic that the first person he reported back to me said, essentially, "Yeah. I was doing this with my students this afternoon." So again, objective being to show that it is done.

All right. I had a number of instructors from around the state, who had planned on being here, but with late notification on when this committee would be meeting, were not able to be here. We discussed the possibility of Skype. I didn't -- I don't have the technology available to myself to allow them to Skype in. But just to let you know that one of them was Dr. Kim Christensen, who is -- or was the head of the theatre program at Snow College. I believe he was also for a while their academic vice president. He was going to speak to this issue. Also, Jane Hunsaker, who has an MFA in directing from the University of Utah, is a well-known educator

around the state. But I do have Professor Richard Bugg from Southern Utah University, who has agreed to come in --

MS. BENNETT: Okay.

MR. DAVENPORT: -- and talk briefly --

MS. BENNETT: Okay.

MR. DAVENPORT: -- about what it is.

Do you want to just have a seat? This is Richard Bugg. He's a professor at Southern Utah University.

MR. BUGG: Hi.

MR. DAVENPORT: Rick, we were discussing my point in having you come in was to verify, validate that physical resistance work is something that happens in actor classrooms. That it sometimes, in av -- involves students working with and giving stimulation to each other. And sometimes involves -- may involve an instructor becoming engaged, too. Could you --

MR. BUGG: Sure. I agree with that. I've been teaching for 26 years, and I often work with my students to try to stimulate more risk in them. I think -- I think there's an expectation anytime you take an acting class that you're going to be challenged emotionally. And with that understanding, I don't let them hide, if they're trying to hide from the emotional responses to the situation of the scene, to what we're doing. And so I don't do it all of the time. But occasionally, we will -- it will involve a touch or a physical challenge to get them to respond to me and connect to their emotional impulses, rather than just trying to create it from somewhere else.

MR. DAVENPORT: Okay. That's actually the only question I had for him.

MS. BENNETT: We want to ask you a question.

MR. BUGG: Sure.

MS. BENNETT: Would you ever consider pulling a student's hair until her head is jerked back? Would that be part of your practice?

[37:55]

MR. BUGG: Not intentionally to hurt her. But as part of the -- of a situational involvement, where she felt that sort of vulnerability, you know. I wouldn't probably really pull the hair to cause pain, but I might want to make her feel that situation of being that vulnerable.

MS. BENNETT: Okay. Thank you.

MR. HOUSER: Could I ask a question?

MS. BENNETT: Uh-huh.

MR. HOUSER: In your classes, when you are going down these pathways, how do your students communicate to you, if they feel like they've crossed over a line of safety and they need a break or they need a pause or a reexamination?

MR. BUGG: Yeah. Well, anytime they actually say those words, I will stop. And I try to let them know from the beginning that we're going to be doing some very vulnerable things. We have to trust each other and that anytime they feel uncomfortable about that, they need to let me know. And I will respect that.

MR. HOUSER: How frequently do you have that conversation that you just described?

MR. BUGG: I usually talk about it at the beginning of the semester. If we're -- if we're planning to do something that's particularly challenging emotionally, I let them know before we begin that exercise, so that, you know, they --

MR. HOUSER: Okay.

MR. BUGG: -- they're prepared to really focus on it. And...

MR. HOUSER: Thanks.

MS. BENNETT: Thank you very much.

MR. BUGG: Thank you.

MR. DAVENPORT: Okay. So that's the background and the academic explanation of what I was going on. You've heard -- you've seen Cassidy's statement. It's been corroborated by two students that were there. However, there were several other students in class that day, and I think that what they have to say is worth the time. I hope this is okay. I had statements, and they are included, from Lizzy and Karlee about what happened in class that day. And with James and Ryan and Chris, rather than ask them to do that, I just asked them if they would like a look at Lizzy's chronology of what happened and the day. And if they had anything to add or detract from that, that I give them a chance to say that here. Is that acceptable?

MS. BENNETT: Uh-huh.

MR. DAVENPORT: Okay. All right.

DR. JARVIS: And can I ask a question of Varlo --

MS. BENNETT: Uh-huh.

DR. JARVIS: -- real quick? Is Kim Christensen a relation to you?

MR. DAVENPORT: Yeah. He's my uncle.

DR. JARVIS: Okay. That's what I thought. I just wanted to make that apparent to the committee. Yeah. Okay.

MS. BENNETT: Okay.

DR. JARVIS: That's fine.

MR. DAVENPORT: But he's also --

DR. JARVIS: Correct.

MR. DAVENPORT: -- incredibly know -- and qualified.

MS. BENNETT: I just realized I didn't get the second part of this. Is it included?

?: I think that's...

MR. DAVENPORT: Will you just have a seat?

MR. CATES: Oh, yeah. Oh, hello, everybody. My mother always told me it's polite to introduce yourself. My name's James, James Cates.

MS. BENNETT: Nice to meet you.

MR. CATES: So now, we've had the first step of human interaction; right?

[41:39]

MR. DAVENPORT: Okay. James, I just have a few questions for you, and then the committee may have some others. So you were in the class the day that this happened?

MR. CATES: Yeah. That is correct.

MR. DAVENPORT: Okay. At the beginning of the class, at the beginning of the semester, do you remember being given the power or authority or option to stop any exercise that was too much for you?

MR. CATES: Well, of course. You know, you -- it's not like you got in -- coerced anybody to do anything. You gave everybody the chance of free will. You said, "You don't feel comfortable with something, you know, you have every right to speak up and to say something about it."

MR. DAVENPORT: Okay.

MR. CATES: You know?

MR. DAVENPORT: While I was working with Cassidy and Ryan, did I yell at her or appear angry?

MR. CATES: You yelling? I -- honestly, I think the only time I seen you a little bummed out is when everybody forgot their notebooks in class. That was about it. But angry? I mean, that's like saying Paul Newman isn't a good actor.

MR. DAVENPORT: All right. Did you ever hear me say or imply that Cassidy lacked talent or potential?

MR. CATES: No. Never. I mean, you gave the trust in everybody. You said everybody's equally talented. You never said one of us, you know, is superior than the other. So I don't see any fact of that, no.

MR. DAVENPORT: Okay. Did you get a chance to look over Lizzy's report?

MR. CATES: I did not.

MR. DAVENPORT: Okay. All right. Then you can't talk to that. That's all I have for him.

MS. BENNETT: We have a question for you.

MR. CATES: Yes.

MS. BENNETT: We would like to hear your description of the scene when Varlo pulled Cassidy's hair. Would you just describe that for us? How -- what -- how did -- was her head situated, and how long did that last, when he was pulling her hair?

MR. CATES: I mean, really, he told her at all time -- well, not -- I had this -- because I had her as an English teacher, and I had this trouble, Dr. Bennett. He told her at all times, "You know, if you don't feel comfortable with anything, just let me know, and I'll stop."

MS. BENNETT: Okay.

MR. CATES: You know, it's, like, put a gun to her head or anything. And, you know, I remember. I was sitting -- I always sat in the left-hand corner. Actually, his class is, actually, in your class, a court, only class I actually paid attention in. Because I didn't really -- you know, I fell into the conundrum of "first year." You know, like, you focus on everybody else's problems and not your own? But -- oh, I'm sorry.

MS. BENNETT: So what does -- describe that scene for us.

MR. CATES: Well, he was going, and he just wanted to, like, just -- he said that, you know, she could possibly, like, make the scene a little bit better. But he wasn't going to wait to like -- "Do this. Do that," you know. He would never yell at her, anybody, you know. A little -- like I said, a little bummed out that people forgot their journals or what not. But then again, a teacher always gets mad when a student is unprepared for class. So, I mean, I -- if I can add more to that or if I can --

MS. BENNETT: Uh-huh. Would you describe when he pulled her hair? Just describe that in your own words.

MR. CATES: Like from how so? Like, is it just, like, pulling, like his reaction or her reaction or my reaction?

MS. BENNETT: Your reaction.

MR. CATES: My reaction? I mean, you know, Varlo, he always told us that he always just wants to bring the best out of us. You know, that's just what every teacher want. You know, just want to make sure -- especially an acting class. You know, an actor has to bring out the best thing in their performance, or else, you know, you might as well go see two guys fighting (?). You know, that could be considered acting. You know, but --

MS. BENNETT: How long would you say it lasted, pulling her hair?

MR. CATES: I mean, it was kinda short. It was, like, a few seconds maybe. It wasn't just, like -- he wouldn't even hold it for, like, five min -- no, a few seconds.

MS. BENNETT: Any other questions?

MR. HOUSER: I have a question. You said that he gave you the freewill to stop at any time?

MR. CATES: Yeah. He --

MR. HOUSER: What were the words that he used or how often can you describe that he used that language with you?

MR. CATES: I mean, would you like me to call Mr. Houser, Dr. Houser, Mr. -- I just want --

MR. HOUSER: Mr. Houser's fine.

MR. CATES: All right. Mr. Houser. So I mean, at every scene we did, you know, the skit and the last skit, too, when I did mine with Lizzy, the "Diary of Anne Frank," and even the last one with Samantha, which you oversaw, I mean, even when we were participating in class,

he said, "You know, if any time you feel uncomfortable, if any time you want to -- just speak. You know, if you say something, you know it's just -- it's just" -- well, I lost my train of thought.

MR. HOUSER: He used -- you clearly remember the used that he used in this situation?

MR. CATES: I mean, he said, "If any time you feel uncomfortable, just let me know, and I'll stop."

MS. BENNETT: Any other questions? Thank you very much.

MR. CATES: Oh, really? That wasn't very long.

MR. DAVENPORT: That's it. Thanks.

MR. CATES: Well, thank you. And that's a nice (?). You should get a raise for making that.

MR. DAVENPORT: Okay. Chris? This is Christopher Bates. Chris, if you'd like to, have a seat.

[47:16]

Chris, I just have a couple of questions I'd like to ask you, and then the committee may have questions for you. At the beginning of class, do you remember being the given the -- oh, you were in the class on the day that --

MR. BATES: Yeah.

MR. DAVENPORT: -- this happened? At the beginning of class, were you -- do you remember being given the power or authority or option to stop any exercise that was too much for you?

MR. BATES: Yes.

MR. DAVENPORT: Now, while I was working with Cassidy and Ryan, did I appear angry?

MR. BATES: No.

MR. DAVENPORT: Okay. Did I ever say anything or imply that Cassidy lacked talent or potential?

MR. BATES: No.

MR. DAVENPORT: All right. That's really it. So anyone?

MS. BENNETT: We'll ask him the same question? We would like for you to describe in your own words what you witnessed, as far as pulling Cassidy's hair.

MR. BATES: Okay.

MS. BENNETT: Can you describe that in your own words, and maybe how long that incident lasted?

MR. BATES: It lasted about maybe three minutes, but I'm sure it felt longer. The only thing that I can really recall was -- I mean, I wasn't pulling hard. But I've been in -- I've been in multiple acting courses. And ?'s training is part of a lot of those courses. More often than not, all the classes that I've been in, something like this has occurred at least once, during the course of the class. And I -- myself, I think it's a normal thing for acting class to have. And they always say, "You know, if you feel uncomfortable, you can stop." But I never taken like that, and I feel like, personally, I'm a better person from it. I used to be very shy, and now, I'm a lot more outgoing. And I have that to blame for that. Is that kind of --

MS. BENNETT: Okay. So you're describing when you were pulling on her hair --

MR. BATES: Uh-huh.

MS. BENNETT: -- is that when you just described? And we were wanting you to describe when Mr. Davenport was pulling her hair.

MR. BATES: Oh. Oh, yeah. He had me and another student, Whitney, kind of not pull hair, but bother her, just to get her -- get her spark going.

MS. BENNETT: Right.

MR. BATES: When she -- when -- excuse me, when Varlo was up pulling her hair, it wasn't any kind of violence or derogatory or, I guess, uncomfortable way. It was just trying to get her to react.

MS. BENNETT: How long would you say it lasted?

MR. BATES: About the same time I was up there bothering her, about three minutes or so --

MS. BENNETT: Okay.

MR. BATES: -- or less.

MR. DAVENPORT: With that -- pulling her hair that whole three minutes?

MR. BATES: No. It was --

MS. BENNETT: That's what we're trying to discern.

MR. BATES: Oh, yeah. No.

MS. BENNETT: So from the time that he grabbed her hair and pulled it, from the time he let go, about how long did that last?

MR. BATES: A couple seconds.

MS. BENNETT: Okay.

MR. BATES: It was very short.

MS. BENNETT: Anything else? Thank you very much.

MR. BATES: Okay. Thanks for having me.

MR. DAVENPORT: Okay. Thank you, Chris.

MR. BATES: You're welcome.

MR. DAVENPORT: Lizzy? This is Elizabeth Peterson. Take a seat, Lizzy.

MS. PETERSON: Oh, thank you.

MR. DAVENPORT: I just have a couple of quick questions and then if you have anything. You were in the class the day that --

MS. PETERSON: Uh-huh.

MR. DAVENPORT: -- that occurred? And you have a copy of her statement. I just like to ask a couple of things. At the beginning of class, do you remember being given the power or authority to opt to stop any exercise that was too much for you?

MS. PETERSON: Yes.

MR. DAVENPORT: Okay. While I was working with Cassidy and Ryan, did I yell at her or appear angry?

MS. PETERSON: No. I have been working with him for five years. And I've never heard him even raise his voice or come close to anything like, "I'm yelling," ever.

MR. DAVENPORT: Okay. Did I say or imply that Cassidy lacks talent or potential?

MS. PETERSON: Quite the opposite, actually. There were instances during the class where he would tell Cassidy that her -- 'cause this was her first acting class, that her raw instinct was, like, perfect. He was, like, you know, "You are really actually quite good at this. For never

having taken an acting class, I'm surprised." And he said that about Cassidy and Bud, also, who were there for the first time in acting classes.

MS. BENNETT: Same question? Okay. We would like to ask you just to describe in your view - we have your statement - but maybe a little bit more detail about when Mr. Davenport was pulling Cassidy's hair. How was her head situated, and maybe how long did that last?

MS. PETERSON: Okay.

MS. BENNETT: From the time he started pulling until he let go.

MS. PETERSON: She was sitting in the chair, and he never, like, took her hair, pulled it in any way. It was more of, like, this (witness indicating). And she would sit there, and he'd just (witness indicating) like that.

MS. BENNETT: Okay. So he never actually pulled it?

MS. PETERSON: No.

MS. BENNETT: Okay. Thank you.

MS. PETERSON: Uh-huh.

MS. BENNETT: Or you have questions?

MR. HOUSER: I'm good.

MR. DAVENPORT: Thank you, Lizzy.

MS. PETERSON: Uh-huh.

MR. DAVENPORT: Appreciate that. Because we're getting short on time, I'm going to skip Karley Waylon --

MS. BENNETT: Okay.

MR. DAVENPORT: -- because you've got her statement.

MS. BENNETT: Okay.

MR. DAVENPORT: But I would like to bring Ryan Hughes in.

MS. BENNETT: Okay.

MR. DAVENPORT: Ryan?

MS. BENNETT: Shall we say 5:30? Is that --

MR. HOUSER: I'm okay with that, yeah.

MS. BENNETT: Is that okay?

Group: Yes.

MR. DAVENPORT: I'm sorry. This just...

[53:15]

This is Ryan Hughes. Ryan, if you'd have a seat. A couple of quick questions, and then the committee may have others. I have a couple of extra for you. Where's my notepad?

You were in the class -- well, you were her scene partner? You were Cassidy's scene partner, so you had a front row view to everything that was going on in the class. But at the beginning of the course, do you remember being given the power or authority or option to stop an exercise that was going on?

MR. HUGHES: Yes. Yes. We always had that option to stop anything we were uncomfortable with.

MR. DAVENPORT: Okay. All right. While I was working with Cassidy, did I yell at her or appear angry?

MR. HUGHES: No, definitely not. You were trying to get her to yell at me, but you didn't yell at her.

MR. DAVENPORT: Okay. Did I ever say or imply that Cassidy lacked talent or potential?

MR. HUGHES: No. You were always complimenting Cassidy on how she was doing good by putting herself out there and like, opening up, because this was her first time taking an acting class.

MR. DAVENPORT: Now, because you had been working with her most directly --

MR. HUGHES: Uh-huh.

MR. DAVENPORT: -- had she missed very many classes?

MR. HUGHES: She missed, like, four or five weeks in a row it seemed like. But she missed -- she missed a ton of classes.

MR. DAVENPORT: Okay. Mr. Houser has said that he spoke with you after this incident. Can you tell us what you told him?

MR. HUGHES: What I told him? I told him, basically, just what happened. And then I told him it wasn't a big deal. Like, we've all -- like, you told us that you're going to try to invoke real emotion from us, and that's what you were trying to do. And then, you know...

MR. DAVENPORT: Okay. That's everything I have.

MS. BENNETT: Would you please describe the moment in time when Mr. Davenport took Cassidy's hair and pulled it? How hard did pull, and how long did it last?

MR. HUGHES: Well, it was probably, like, this hard. (Witness indicating.) And three or four seconds. It wasn't much.

MR. HOUSER: And did he pull it, her head, back?

MR. HUGHES: I don't describe how -- I don't know the placement. I don't think, like, he had enough force to pull it back. I think she probably just tilted her head back, because she wanted to.

MS. BENNETT: Thank you very much.

MR. HOUSER: I've got -- I've got one more question.

MS. BENNETT: Oh, I'm sorry. Go ahead.

MR. HOUSER: So when I had talked to you, I asked you if he had -- if -- some similar questions of what I did here, if he had given you or informed you of what was going on and given you a way to kind of opt out. And your answer to me, which I wrote down immediately after meeting, was, "I don't remember. I don't remember, but I'm sure he did," were the exact words that you used. Can you describe to us some of the -- some of the exact wording that he did use, when he -- when he talked to you guys, please?

MR. HUGHES: Yeah. Well, he said that he didn't want to, like, get -- make us feel uncomfortable. He didn't want to hurt us. He wanted -- he wanted to help us. He wanted to make us better actors, and so he said, "If you ever feel uncomfortable or if you think what I'm doing is unnecessary, then you have the ability to stop me."

MR. HOUSER: Thank you.

MR. HUGHES: Is that everything?

MS. BENNETT: Thank you very much.

MR. DAVENPORT: I appreciate that.

MS. BENNETT: And Varlo, when I look at the people you have left, we're trying to stop at --

MR. DAVENPORT: I have two.

MS. BENNETT: -- 5:30.

MR. DAVENPORT: I have two more.

MS. BENNETT: Does that sound okay?

MR. DAVENPORT: Yep. That sounds fantastic.

MS. BENNETT: About eight more minutes?

MR. DAVENPORT: Yep. All right. I wish I had had the opportunity to explain and apologize to Cassidy. Twenty-five years of teaching without any significant event like this, that I've been made aware of. But despite that, I'm going to -- this is going to stick with me. You asked me to address the allegation of assault and asking other students to touch her without permission. It's never ever been a question as to whether or not there was physical contact between myself and Cassidy or if I had other students touch her. The question is the context in which that touch took place. I've established through syllabi that exists, written statements and testimony that physical act -- interaction between students and students and instructors is a common practice in actor training. I've also established that students were informed that we were doing exercises that would be emotionally challenging and evocative and that the contact was instructive in nature and executed within the standard of care.

That I failed to provide her with a safe out: The statements given by James, Karley, who we jumped over, Ryan, Chris and Lizzy show that the idea that a safe out was clearly established at the beginning of class. And if you read Lizzy's statement, you'll find that she established during the class, during the exercise that she had options and opportunities to quit and chose not to. I understand and -- that under the pressure of the work that we were doing Cassidy might have felt an increased sensitivity to any of the feedback she was getting. But not only did the students who have spoken with us address this issue, but you will see reinforced in the statements that you've been given that that was a perception issue and not reality.

I have asked Ken Peterson and Glen Webb to come in and just give a couple of comments about that.

MS. BENNETT: Okay.

MR. DAVENPORT: I told them they had three minutes.

MS. BENNETT: Okay.

MR. DAVENPORT: So...Glen?

[59:51]

This is Glen Webb for anyone who doesn't know him. I'll have --

MR. WEBB: Should I go here?

MR. DAVENPORT: Yeah, right there. Glen, I -- we're running very long. I would ask if you could just address how long we've worked together, what her characterization is of my interaction with faculty, staff and students and any other observations you may have?

MR. WEBB: We've worked together eight years, since I was hired. I was across the office, directly across, for a couple of years and then the adjacent office. So we see a lot of one another. Interactions have been professional and calm. Your demeanor is something I have imitated, to control some of my impulses. So I've enjoyed that role model. My observations of the department is that it, as a -- as a group, it seems incapable of consensus to divisive, and it feels like you're taking the fall for that.

MS. BENNETT: Questions?

MR. DAVENPORT: All right. Thank you.

MS. BENNETT: Thank you.

MR. DAVENPORT: Thank you very much. I appreciate that. Dr. Peterson?

(1:01:33)

This is Dr. Peterson, if you don't know him. Go ahead and have a seat. In the --

DR. PETERSON: Hi.

MR. DAVENPORT: For the sake of time, which is running long, I just -- I'm going to run over this quickly, and if you could just give us a reaction. A question of how many years have we worked together? During that time, how would you characterize my interactions with faculty, staff and students? And what observations have you made regarding the overall environment of theatre department, during that time?

DR. PETERSON: I came to work here in 2002. I just counted the number of shows that we've together. Nine shows over the past 12 ½ years that I've worked with Varlo. I believe I'm more familiar with Varlo's work probably than anyone in the school of fine arts, that the length of time that we worked side by side for most of those 12 years. And to give it a little context, my history, and I've been working in musical theatre continuously for 35 years, at very institutions, professional and academic in higher education with vast exposure and experience to a variety of directorial approaches. And I can say without hesitation that working with Varlo as director, he has been the most professional I've ever worked with. And his report with and his respect for the students and colleagues is without comparison.

He is consummately organized, respectful of individuals. The feelings and -- particularly of their time. He is efficient. And in those nine years, I've never had -- I've never heard a harsh word to anybody, faculty, colleagues or students. And from my perspective, the students that

have been in the shows that Varlo has directed, without hesitation say that they have -- they've thanked me for the experience and of -- and would say that they would happily jump at the chance to do a production with Varlo Davenport again. He is highly favored.

So in terms of the theatre program, I don't think many people are aware of what was accomplished before we even had any bachelor's degrees. Within the time that -- from 2004, we moved into that new theatre. This little theatre program, with just very few faculty, had acquired I think I counted, like, four National awards or recognitions, because of the quality of work that was done and that people were wanting to gravitate to this program, thinking that we had graduate degrees, because of the quality of the work that had been done. And in fact, you know, we just have this two year program. We didn't have a degree. And I -- and I don't think that's been adequately recognized, that an unknown institution would garner National awards that would be coveted by major programs nationwide. And that is largely due to his vision, to his genius and to his organization and to his willingness to collaborate with music faculty, like myself and Gary Koeven.

MS. BENNETT: Questions? Thank you very much.

DR. PETERSON: Okay. Thank you.

MR. DAVENPORT: I appreciate that. So I've addressed every point and basis for every point within the parameters I was asked to account for. I understand why looking at it from the outside someone could be disturbed by what they heard took place in this acting class. But each step along the way was undertaken for a reason and was the application of exercises tested over decades. I received my training from the Ohio State University. Since the 1970s, the OSU MFA and acting has been one of the top 10 programs in the Nation. My activities in the classroom are not random. They are deliberate, well-founded and instructive. And I give my students my best every time I walk into a classroom. Fifteen years ago, I was hired to be the director of theatre at Dixie State College. My wife, Andrea, was hired as the costume programmer -- as a costume director. I don't know how many of you were here back then. Do you remember what our workloads used to be like? They were insane. And then on top of that, we did shows. Our program was so unsuccessful when we got here that an audience of 20 to 30 people was considered a great house count.

Over the next six years, Andrea and I, Brent Hansen and Josh Scott (?) worked tirelessly to rebuild the program. We produced four to five years -- four to five shows a year, even when we didn't have a building. We accomplished the move to the Eccles Fine Arts Center under the support of new faculty and won the right to offer a bachelor's degree. The point I want to make, the reason I'm saying this is: I am invested in this institution and this program. Starting out here, 16 hour days were not uncommon. My children grew up in the Dixie State University costume shop. I'm ashamed to say that there were times when my work took priority over my family. I missed birthdays, school performances, family activities. I can't count the number of times that my kids fell asleep in the aisles of the theatre waiting for rehearsal to be over. I'm trying to build something. I have no desire at all to see it fail.

I will conform my behavior to whatever you as a panel feel is appropriate. But I do not believe I did anything that merits the termination of a tenured professor with a 24 year career.

As for the other things that were brought up, we are genuinely out of time. I might propose that it was suggested that this is -- can be an example of what my behavior is like and this incident is an indicator of why I should be terminated. If that's the case, then that's the choice. Life will go on. But I did and have done what I have done for the best of all possible reasons. There are incidents on the outside, which I don't see how they have any bearing on this. I asked Will a couple of days ago, because it finally struck me that we had these unresolved, informal grievances. And I said, "Will, I don't think it's fair for those to be brought in until I've had a chance to resolve them." Because I essentially didn't defend myself, because I didn't know it was going to blow up this way. And I requested a formal review, a formal hearing, which I am still happy to go through. But those incidents, those events that are referenced were not fully adjudicated. And I would be just as happy to explain what happened there, as what happened here. Thank you for letting me go a little long. Do you have questions?

MS. BENNETT: I think we want to ask you maybe the same question we've been asking everyone else. Would you describe in your own words, since this seems to be revolving around one incident?

MR. DAVENPORT: Yeah.

MS. BENNETT: Would you describe what you think happened?

[1:10:04]

MR. DAVENPORT: Yeah. I saw a student working, who had potential. I worked through the steps of a process of a pedagogy that I have been trained and have used ever since I started teaching. That includes physical resistance. It's not a common exercise. It's not something I do all the time. I was -- I wasn't kidding. Cassidy has potential. But I haven't found a way in to get her to release that. In working with her, I held her down in her chair by the shoulders. I pushed her hair --

MS. BENNETT: For how long?

MR. DAVENPORT: Thirty seconds?

MS. BENNETT: Okay.

MR. DAVENPORT: Okay. I pushed her hair in her face. I pulled on her, as they -- as they walked through the scene. And, I mean, if I did anything to her hair, and I don't remember, because it was just another class. But if I did anything to her hair, it was to pull it down, not yank it, to put her in an uncomfortable position. I mean, did I yank it up to cause pain? No. It was to put her in a physically discomfoting position.

MS. BENNETT: And how long do you think that you did that? If you took her hair and pulled on it, how long do you think that lasted?

MR. DAVENPORT: Not long. I mean, it's not like you're trying to be cruel. These guys have said five seconds. I think they might have been being kind. Ten?

MS. BENNETT: Okay.

MR. DAVENPORT: You know, enough to try to see if she was going to respond.

MS. BENNETT: Okay. Any -- I've received no notes coming my way. Any other questions? Okay. Thank you very much.

MR. DAVENPORT: Thank you. I appreciate your time.