



Chair: Vivian L. Gadsden, Ed.D.
Chair-Elect: Tulia G. Falletti, Ph.D.
Past Chair: William W. Braham, Ph.D. Arch.

October 27, 2022

Amy L. Wax, MD, JD
Robert Mundheim Professor of Law
University of Pennsylvania Carey Law School
3501 Sansom Street
Philadelphia, PA 19104

Dear Professor Wax:

In keeping with section 4.B. of the University's Procedures Governing Sanctions Taken Against Members of the Faculty, on October 11, 2022, the members of the Hearing Board appointed by the Chair of the Faculty Senate met to decide your August 21 objections to the composition of the Board. Your objections were deemed to present a motion to disqualify each Board Member. In each case, the remaining Board Members considered and denied the motion.

On October 25, the Board met and, pursuant to section 4.C., afforded the Charging Party, Dean Theodore Ruger, an opportunity to present argument on the charges served on June 23, 2022. Following the presentation, the Board concluded that there exists adequate information to continue with the hearing process. A copy of the Board's communication to Dean Ruger is also attached.

This letter shall serve as notice to you under section 4.D. of your right to request a hearing by promptly notifying the Chair of the Board in writing. Should you request a hearing, it will not be scheduled until the Board has received a response from Dean Ruger to your August 21 memorandum, permitting the Board an opportunity to evaluate the arguments from both the Charging Party and the Respondent regarding the timing of the hearing.

On Behalf of the Hearing Board,

A handwritten signature in black ink that reads "Harvey Rubin".

Harvey Rubin, MD, PhD
Co-Chair, Hearing Board

A handwritten signature in black ink that reads "Sigal Ben-Porath".

Sigal Ben-Porath, PhD
Co-Chair, Hearing Board

Enclosures

Enclosure 1

Excerpt from Faculty Handbook, Section II.E.16. Procedure Governing Sanctions Taken Against Members of the Faculty

<https://catalog.upenn.edu/faculty-handbook/ii/ii-e/>

C. HEARING BOARD DETERMINES WHETHER TO PROCEED

3. If the Hearing Board concludes that the grounds stated, if true, might constitute just cause for the imposition of a major sanction, and it believes that there is probable cause that in further proceedings the grounds stated shall be found to be true, it shall conduct such proceedings as hereinafter provided.

D. NOTIFICATION OF RIGHT TO A HEARING

If further proceedings are conducted, the Chair of the Hearing Board shall send to the respondent written notice that the respondent may preserve and elect the right to a hearing by promptly notifying the Chair of the Hearing Board in writing. If the respondent requests a hearing before the Hearing Board, the Chair of the Hearing Board shall notify the charging party and the respondent in writing of the date and place of the hearing. One month prior to the hearing, the charging party shall supply to the Chair of the Hearing Board a summary statement of the evidence to be presented by the charging party, including a list of witnesses, a detailed summary of the testimony expected from each witness, copies of relevant extracts from the Statutes and standing resolutions of the Trustees of the University of Pennsylvania, a copy of these procedures, and copies of any other University documents that are relevant to the respondent's procedural and substantive rights in this matter. The Chair of the Hearing Board shall immediately furnish these documents with the notice to the respondent.

Enclosure 2

Hearing Board Communication to Charging Party, sent October 27, 2022



Chair: Vivian L. Gadsden, Ed.D.
Chair-Elect: Tulia G. Falletti, Ph.D.
Past Chair: William W. Braham, Ph.D. Arch.

October 27, 2022

Theodore Ruger
Dean and Bernard G. Segal Professor of Law
University of Pennsylvania Law School
3501 Sansom Street
Philadelphia, PA 19104

Dear Dean Ruger,

Thank you for your presentation and participation today at the Hearing Board in the matter of Professor Amy Wax. The Hearing Board unanimously decided that there is adequate information to proceed with the hearing process. This being the case, we ask you to provide the Hearing Board with your response to the Shapiro Litigation Group Memorandum of August 21, 2022, that was addressed to Dr. Vivian L. Gadsden, Chair of the Faculty Senate.

On Behalf of the Hearing Board,

A handwritten signature in black ink that reads "Harvey Rubin".

Harvey Rubin, MD, PhD
Co-Chair, Hearing Board

A handwritten signature in black ink that reads "Sigal Ben-Porath".

Sigal Ben-Porath, PhD
Co-Chair, Hearing Board

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