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A Georgia professor's fight for due process

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Think it's hard to defend yourself in a he said, she said situation? Try he said, who said.

That's been the challenge faced by Thomas Thibeault, who until last month was a professor of English at East Georgia College in Swainsboro. His case bears all the characteristics of the decline in free speech and due process at America's universities.

There are still several unknowns in this case — including the things still unknown to Thibeault himself, which is part of the problem. But this much is beyond dispute:

On Aug. 5, Thibeault attended a faculty training session where he criticized the college's sexual harassment policy as lacking provisions to protect the accused. Two days later, he was summoned to the office of college President John B. Black, who asked him to resign due to his "long history of sexual harassment," or else be fired and have the unspecified allegations against him aired publicly.

In the seven weeks since that meeting, Black has told Thibeault by letter that a faculty committee had begun and then concluded dismissal proceedings against him, and that he was suspended with pay pending an inevitable firing. But during those seven weeks, neither Black nor anyone else has told Thibeault exactly what harassment charges have been filed against him, or by whom, despite the professor's request.

"Literally, the very first time the words 'sexual harassment' were ever used in connection with me was in Black's office on August 7," Thibeault told me this week. "The exact opposite is true, because I have a reputation as an extremely faithful man with my students."

East Georgia College's vice president for legal affairs, Mary Smith, declined to answer my questions about the case — including whether the school routinely waits until an employee has a "long history" of harassment before addressing the alleged problem.

A spokesman for the University System of Georgia, John Millsaps, also would not elaborate on the charges. Millsaps said Thibeault would be informed of them before an as-yet-unscheduled hearing, and that he was "not going to prejudice [Thibeault's] case by public comment."

Fair enough. But surely seven weeks is plenty of time for someone to tell Thibeault himself exactly why he's in imminent danger of losing his job.

How unusual is Thibeault's plight? It "is maybe one of the most extreme cases [nationwide] where there's due process violations...and we don't even know what the allegations are," said Adam Kissel, of the nonprofit Foundation for Individual Rights in Education, which is helping Thibeault.

While Thibeault's case may be extreme, Kissel said it is not unusual at all for colleges to have "speech codes masquerading as civility policies." Up to 75 percent of American colleges, Kissel said, have unconstitutional speech codes.

Federal and state courts consistently strike down such restrictions, he said, but the high financial cost to individuals of challenging speech codes means most of them remain intact.

Thibeault has not been charged with a crime, so his case doesn't rise to the level of the fake rape accusations against Duke lacrosse players in 2006 or, just this month, against four Hofstra University students.

But Kissel noted one commonality among the three cases: the increasingly popular idea on college campuses "that as soon as you're accused, you're guilty and have to prove your innocence."

And, apparently in Thibeault's case, to guess what you're even guilty of doing.

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