



Fresno State Overview of Faculty Member Social Media Comments

Dr. Lars Maischak is a lecturer on contract in the History Department. This semester he is teaching five sections of History 11 (American History to 1877). There are 213 students registered in those sections.

He has been a lecturer since 2006 and is currently in the second year of a three-year contract. He is not a tenured professor nor on tenure track, but lecturers are also covered by the California State University faculty collective bargaining contract and are not At-Will employees.

What is the timeline of instances in this matter?

On Feb. 17, Dr. Lars Maischak made comments about President Trump on his personal Twitter page (“To save American democracy, Trump must hang. The sooner and the higher, the better.”)

While the tweet was generated on Feb. 17, Fresno State did not learn of this until mid-afternoon April 7, when our Communications Office was contacted by a reporter from The Daily Caller News Foundation. The reporter pointed out the tweet and asked for a University statement. Fresno State provided this statement: *"Lars Maischak is employed as a lecturer at Fresno State. Statements made on his personal social media accounts are his alone and are not endorsed by or reflect the position of the University."*

On April 8, President Castro consulted with senior administrators and the California State University Office of General Counsel. The University also informed federal agencies about the Twitter posts. National and local media reports started appearing.

On Sunday, April 9, the President convened his Cabinet, including University legal counsel, to discuss the situation and develop an action plan and a statement for our campus community. This statement was distributed Monday to all students, faculty, staff and media:

“Fresno State understands the deep concerns that have been shared as a result of personal comments made by Professor Lars Maischak, who is a lecturer in the History Department at Fresno State.

In response to these concerns, we have conducted a preliminary review to ensure that it is clear that the statements made by him were as a private citizen, not as a representative of Fresno State.

Professor Maischak’s personal views and commentary, with its inclusion of violent and threatening language, is obviously inconsistent with the core values of our University.

Our primary concern is for the safety of our students and with providing a conducive learning environment. We acknowledge that our faculty have an obligation to establish and maintain ethical and professional conduct, inside and outside of the classroom.

While Fresno State is committed to state and federal constitutional rights of free speech, the content of statements by Dr. Maischak warrants further review and consideration. The review of these and any other statements will be conducted in the context of rights of free expression, but also for potential direct threats of violence that may violate the law.

The University is taking this matter seriously and handling it in accordance with applicable law and policy, as well as our traditions of academic freedom and the requirements of the faculty collective bargaining unit agreement. The University will fully cooperate with any investigations conducted by Federal officials.”

On April 10, in an email to The Fresno Bee, Dr. Maischak accused President Castro of “allowing himself to be instrumentalized for a right-wing smear campaign,” and said he was not given an opportunity to explain his views to the University prior to its official public statement. Dr. Maischak says the tweet in question was only meant to indicate Trump is a threat to democracy. “To read this as an invitation to, or expression of intent for, murder or assassination is far-fetched,” he wrote to the Bee.

On April 11, Dr. Maischak closed his Twitter account and sent a written apology to President Castro and media outlets. He said:

“I apologize for the tone and content of my statements made on Twitter. I ask forgiveness of those who felt threatened or offended by them. It was never my intent to harm anyone, nor to encourage others to harm anyone. My statements each represent the end point of a dark train of thought triggered by my despair over the actions of the present U.S. government. That is what I meant by calling them ‘dark predictions.’ It felt cathartic at the time to write them down. With 28 followers on Twitter at the time, I never expected them to be read by anyone but a close circle of acquaintances who would know to place them in their context. To treat Twitter as of no more consequence than a journal was a poor decision. I have deleted my Twitter account, to preclude the possibility that anyone reading my statements in the future would take them as encouragement to act violently or unlawfully. In this spirit, I am prepared to take full responsibility for my statements.”

On April 12, President Castro issued this statement:

“I appreciate Dr. Maischak’s apology and willingness to take accountability for the statements made on his Twitter account. In his note to me, Dr. Maischak reiterated that it was not his intent to incite violence or harm others, however, Fresno State has a responsibility to continue a review of the situation. As previously stated, the University takes this matter seriously and is handling it in accordance with applicable law, policy and the requirements of the faculty collective bargaining unit agreement.”

Also on April 12, President Castro scheduled an interview with Ray Appleton on KMJ radio and also convened a press conference by phone to provide an update to the media.

On April 13, Provost Lynnette Zelezny, following consultation with Dr. Maischak, emailed the students in his five history classes to inform them that those classes would be cancelled on Monday and Tuesday (April 17-18) and that further information would be forthcoming on Tuesday, April 18, about the remaining three-and-a-half weeks of the semester. She indicated students could contact her directly if they had questions. The University will ensure that students do not lose any class credit or progress toward graduation.

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Why didn't you address the matter in February when the Tweet first appeared?

We didn't learn about the posts until April 7. With 25,000 students and 2,200 faculty and staff, it is impossible for the University to know what they are posting on social media. As a general practice, we do not monitor student or employee personal accounts.

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Was Dr. Maischak's tweet reported to authorities?

Yes, we alerted federal authorities immediately on April 8 and we have cooperated with them on this matter.

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What is the University doing to prevent disruption on campus?

When classes resume on Monday, April 17, we do not expect any disruption beyond the five classes being cancelled. Campus safety is always a top priority. Fresno State police and campus administration are monitoring this situation carefully.

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Did Dr. Maischak make remarks similar to his tweet in the classroom?

At this time, we have no evidence of any inappropriate remarks in the classroom, either this semester or in previous semesters that he has been teaching. Faculty members are evaluated each semester by students and peers and we have no evidence this has occurred.

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Many people are calling for the dismissal of Dr. Maischak. Will that happen?

Fresno State will follow applicable law, policy and the requirements of the faculty collective bargaining agreement. Faculty, including lecturers, are covered by California State University collective bargaining agreement (union). The faculty union is one of 12 employee unions at Fresno State. Unlike a private business, the University is a public institution and must follow certain specific procedures in addressing personnel matters. Because this is a precedent-setting

event in our CSU system, we are working very closely with the Chancellor's Office in how we are handling this matter.

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Some people asked if this matter would have been handled differently if it had been a different political figure.

No. CSU and University policies and procedures are not dictated by any political affiliation.

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Will this incident impact Fresno State fundraising?

We have received a high volume of phone and email contacts from the public -- both supportive and concerned. We believe that our loyal alumni and friends who care deeply about the success of the University will continue to support Fresno State and its students for many more years to come.

Will this incident hurt Fresno State's academic progress?

No, it will not. Fresno State today is stronger academically than ever before in our 106-year history. We are going to navigate this carefully, thoughtfully and expeditiously. We will continue to uphold our mission "*To boldly educate and empower students for success.*"

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How can we share our thoughts with President Castro on this?

You can email Dr. Castro at: presidentjic@csufresno.edu.

You also can submit confidential feedback to him at:
<http://fresnostate.edu/president/feedback/feedback-form.html>.

More information will follow as it develops.

April 15, 2017