

[Greg Walker](#)

April 23 ·

To: Representative V. Lowry Snow, Senator Don L. Ipson, and Mayor Jon Pike

I am a constituent and a member of the St. George community. I have a son that earned an Associate's Degree from Dixie State University ("DSU") through the Success Academy program. For a few semesters I was an adjunct professor of Business Law. My wife's aunt was an English Professor at DSU and her uncle was the registrar for many years. As a member of the community with ties to DSU, I am very concerned with the manner in which the administration has handled the termination of several professors in the last two years. I am troubled by the negative impact on the education and well-being of current and future students and faculty members, many of whom are placed in a position of teaching and learning in an atmosphere of fear, uncertainty and confusion.

Although I have had positive interactions with a couple of these professors, what I have learned about this situation has come almost exclusively from reviewing publicly available court pleadings, personally witnessing a significant portion of Varlo Davenport's assault trial and reading published accounts in media.

As all of you are elected officials and have supervisory authority over DSU, either as a member of the Board of Trustees or as members of the Utah Legislature, I wish to state my understanding of the relevant events and ask that you consider further investigation and corrective action.

In terminating Varlo Davenport, Glen Webb and Ken Peterson, I believe the administration has engaged in a pattern of seizing on one piece of information, failing to verify the accuracy or the context and then making career ending decisions based on false information and inaccurate judgments. This pattern is perhaps best illustrated by DSU's release of an official statement shortly after Varlo Davenport's acquittal on charges of assault.

Dixie State University's Official Statement after Assault Trial

Former professor Varlo Davenport was tried for assault by the City of St. George in connection with an incident that occurred during a theater class at DSU. Shortly after Mr. Davenport's acquittal on the charge of assault, someone associated with the university released an official statement to the press.

The following link contains the official statement: [I've moved the link to a comment below because some people attempting to share this post end up accidentally sharing the official statement].

The official statement refers to testimony that was never given and attributed to a witness that did not even testify. The lack of fact checking was unprofessional and an embarrassment to the university.

No relative of Varlo Davenport testified at the criminal trial. There was a relative that appeared on the list of potential witnesses. But that individual was never called to the witness stand. Whoever wrote Dixie State's official press release took one piece of information (the list of potential witnesses), made an incorrect assumption and failed to verify the accuracy of the assumption. This individual then made a decision to act on the incorrect understanding of facts by making an official statement that is demonstrably false.

The official statement includes the following language: "DSU will always uphold policies and procedures that protect its students, faculty and staff." Near the conclusion of the press release a libelous and unsubstantiated accusation of perjury was made against several students in direct contravention of the stated policy of protecting students.

Disagreement between Faculty Members

According to court pleadings from both Varlo Davenport and DSU and a recent article in "Inside Higher Ed," a member of DSU's faculty had differences of opinion with Varlo Davenport concerning the content of plays performed at the university.

(<https://www.insidehighered.com/.../tenure-votes-are-usually-p...>). Rather than handling differences of opinion in a civil manner, this member of the faculty found a way to weaponize the administration against a colleague.

This faculty member originally took issue with the allegedly dark nature of plays chosen by Mr. Davenport. He was troubled by feeling that his beliefs as a member of the Church of Jesus Christ of latter-day Saints came in conflict with Mr. Davenport's selection of plays. It is important to point out that Mr. Davenport is also a member of the Church of Jesus Christ of latter-day Saints.

On the list of allegedly inappropriate plays was Robert Louis Stevenson's "Dr. Jekyll and Mr. Hyde." While it is true that Dr. Jekyll and Mr. Hyde explores the main character's battle in choosing between light and darkness, it is absurd to believe the play is inappropriate subject matter for a university theater program.

It should be noted that former LDS Church First Presidency Member James E. Faust made the story of Dr. Jekyll and Mr. Hyde a major theme of his remarks titled "The Enemy Within" which he presented in the Priesthood Session of General Conference in October of 2000.

(<https://www.lds.org/general-conferen.../.../10/the-enemy-within...>).

Incident with Student

In 2014, an incident took place in class between Professor Davenport and one of his students which was seized upon by the faculty member who had a difference of opinion with Davenport. Davenport used a teaching technique which is common in university theater programs and which involved holding the student's shoulders and flipping her hair in front of her face.

The other faculty member heard about the incident and took it upon himself to get a complaint filed against Davenport. At this point, the DSU Administration appears to have begun their pattern of jumping to conclusions without regard for the truth.

Mr. Davenport was initially suspended and then fired. As a tenured professor, he exercised his right to appeal his termination to a faculty review board. The faculty review board conducted a hearing, heard from witnesses and reviewed evidence. At the conclusion of the hearing, the faculty review board voted unanimously to reinstate Mr. Davenport's employment. At a later date, the faculty senate reviewed evidence and came to the same conclusion as the faculty review board.

President Biff Williams never spoke to Mr. Davenport once, nor did he attempt to find out what Davenport had to say about the situation. As I understand it, President Williams did not review any of the evidence or testimony presented at the faculty review board or faculty senate hearing before deciding to override those decisions. President Williams' actions do not appear to match the University's recent statement that "such decisions are deeply difficult, meticulously investigated and carefully weighed."

Members of DSU's Administration then took the matter to the Washington County Attorney's Office and requested Mr. Davenport be charged with child abuse. When the Washington County Attorney declined to prosecute, they made similar efforts with St. George's City Attorney. I find the Administration's involvement in dealing with prosecuting authorities to be highly questionable at best.

What led the faculty review board and faculty senate to vote for reinstatement?

Assault Trial

It wasn't until months after the events took place and Mr. Davenport had been terminated, that Dixie State University began an investigation conducted by Campus Chief of Police Don Reid. At trial Mr. Reid admitted under oath that the investigation he had conducted was biased. As an attorney and a live observer to that testimony, I was stunned. The city prosecutor did nothing to ask Mr. Reid to clarify his answer. He did nothing to attempt to rehabilitate Mr. Reid's testimony. The tactic of not asking clarifying questions is something typically done in litigation to minimize negative facts. The

city prosecutor was likely aware the defense attorney had solid evidence of an egregious and unfair investigation.

One of the defense witnesses at trial was Fred Adams. Fred Adams, of course, has won a Tony Award for theater and is the founder of the Utah Shakespeare Festival. Mr. Adams testified about a theater teaching technique called "Resistance Training." Resistance training involves a teacher doing things like holding a student's shoulders while they attempt to stand up from a seated position, flipping hair in their face and generally being a minor irritant in an attempt to evoke emotion and improve a flat performance. Fred Adams testified that this technique is appropriate and it is in use in university theater programs all around the country.

Aside from the alleged victim, I believe every witness testified that Mr. Davenport participated in a resistance training exercise as outlined in the previous paragraph. Each witness testified that Mr. Davenport advised the student that all she had to do was ask to stop and he would stop. Prior to leaving class that day, the student showed no signs of wanting the exercise to stop.

I am told that another irregularity at trial involved counsel for Dixie State sitting at the prosecutor's table for part of the trial. Dixie State obviously cannot be a party to a St. George City criminal trial. Had Mr. Davenport been convicted, I believe that alone could have been sufficient grounds for a successful appeal of the conviction because of the message it sent to the jury. What is more, I believe, counsel for Dixie State was not licensed to practice law in the State of Utah at the time. An unlicensed attorney sitting at counsel table constitutes practicing law without a license.

Civil Wrongful Termination Trial

Given the information above, it is not surprising that Mr. Davenport filed a civil suit for wrongful termination. Despite attempts to have the case dismissed, it continues to move forward. The Utah Attorney General's office is providing the defense, as I understand it, in part by hiring outside legal counsel. All at taxpayer expense. Is anyone in the legislature overseeing that?

Recent Firings of Glen Webb and Ken Peterson

Recently, both Glen Webb and Ken Peterson were also fired by DSU. Both of these Professors have given generously of their time in order to provide quality music and educational opportunities to students and the community as a whole. Their firings leave a hole in the music department, to the detriment of DSU. It is unlikely that the university will be able to find replacements of equivalent ability, competence and experience. That is a loss to the remaining faculty and students. The article from Inside Higher Ed mentions a group of current faculty that "described an atmosphere of fear and intimidation on campus."

Both of these terminations also resulted from incidents involving the same faculty member who originally objected to “Dr. Jekyll and Mr. Hyde.” Glen Webb participated in the faculty review board that originally exonerated Varlo Davenport. Ken Peterson was supportive of Davenport and his wife testified in Davenport’s behalf at the assault trial. None of the three professors were afforded anything resembling the legally required due process prior to being terminated. Nor were they given fair opportunity to respond to allegations leveled against them.

One has to wonder if the wrong people are being removed from employment at Dixie State University. I have serious doubts the current administration is leading DSU in a direction that will enhance the educational opportunities of its students. To paraphrase Shakespeare’s Hamlet, something is rotten at Dixie State.

Both Glen Webb and Ken Peterson should have their employment reinstated by an upcoming faculty review board. And President Williams should honor those reinstatements. Additionally, I ask you to obtain a copy of the internal DSU emails turned over to Varlo Davenport’s defense attorney and that you review them in order to determine whether disciplinary action should be taken against the administration.

Thank you for your time and attention to these matters.

Sincerely,

Greg Walker

EDIT

In fairness to Jon Pike (and possibly the others to whom I wrote the letter), he is likely to be unable to respond due to pending litigation. I do not intend to be confrontational with these gentlemen, but instead to get my point of view out there.