

July 30, 2020

Dear Linfield Community,

In the wake of recent disclosures, I have concluded that it is important to speak publicly about the campaign to demand my resignation as Chairman of the Board of Trustees. My goal is to provide you with factual information and answer many of the questions I've received during the past several weeks.

First, I want you to know why I have not resigned and why I am not going to resign. I offered to resign after the faculty vote of no confidence if my departure would benefit the university. But my fellow trustees, who are very familiar with the events, have urged me to remain as Chairman. With their support, I will continue to lead the Board to the best of my ability and serve the university I love.

I am disappointed – even angry – that a small group of Linfield faculty members have falsely accused me and other trustees of failing to protect the safety of our students. It is shameful that a Faculty Trustee has spread misinformation, including the malicious claim that “four different members of the Board have been credibly accused of sexual misconduct.” Let me be clear: There are no pending allegations by any Linfield students involving “sexual misconduct” against current trustees. The Board has made clear that if any such concerns are raised, those concerns must immediately be brought to the attention of our Title IX Coordinator. President Davis has reinforced that message in the strongest possible terms.

As an attorney who has devoted my career to seeking legal justice, I support the rights of students to protest and engage in free speech. I also believe that protest and debate should be based on facts. During a recent campus demonstration, faculty members and students carried signs saying, “I am not safe,” “Justice for survivors” and “Who are you protecting?” I believe that you are safe, that there is justice and that the trustees are protecting you.

When now-former Trustee David Jubb was accused of sexual misconduct, we acted promptly and within the confines of the law and student privacy rights. The actions we took aligned as much as possible with the wishes of the complainant. This is a core tenet of dealing with harassment and assault complaints.

The first accusation against Mr. Jubb involved an incident that allegedly took place in May 2017. After it was reported in the spring of 2018, Linfield employees consulted with the former student (who was by then an alumna), provided anonymity upon request and addressed the matter in a way that abided by the complainant's wishes. We confronted Mr. Jubb, imposed restrictions and received assurances – which we believed we could trust – that there would be no future misconduct. He did not attend student functions at the next board meeting, and I did my very best to be watchful.

When Linfield received another accusation, in February 2019, we again listened to the wishes of the complainant who reported it at the time. This included protecting the complainant's identity, restricting disclosure of the report and agreeing not to conduct a full investigation. I was not Chairman during the first incident, but I was by the second. The complainant and I met at length. As our policies mandate, Linfield did not publicize the report and immediately banned

Mr. Jubb from attending the next Board meeting while I began the process of removing him as a trustee. As far as I know, Mr. Jubb has had no further contact with any Linfield student.

We took action without requiring a full investigation or holding a hearing, in line with the student's wishes. I have heard the criticism that there was insufficient transparency. It is important to understand that, when any student asks for confidentiality or anonymity, Linfield does its best to honor that request. As many of you know, the student later decided to file a civil lawsuit and initiate a police investigation. Linfield representatives cooperated with the police investigation. Now, with criminal proceedings pending, Linfield representatives are doing their best to allow that formal process to proceed without influencing the legal outcome.

I disclosed Mr. Jubb's resignation in a private note to the Board of Trustees. I indicated that he was dealing with a medical issue, which he had disclosed to me, and I cited his 25 years of service to the university. I have heard much criticism about that note, which was leaked to the public even though it was never intended to be a public statement.

For those who expected me to publicly denounce Mr. Jubb, I would remind them that there had not been an investigation and there were no findings. He has denied the student's allegations. There will be a trial and the facts will be determined by a jury. Regardless, I asked for and received his resignation from the Board.

Do I have regrets? Yes. I regret, in particular, that we did not strictly enforce an order that Mr. Jubb refrain from fraternizing with students during the evening when the second incident allegedly took place. I attended that event, a faculty/trustee dinner, and sat for a while with Mr. Jubb and the complainant at a bar afterward. I was there because I realized too late that a mistake had been made in allowing Mr. Jubb to attend, and I wanted to keep a watch. While I did not witness any untoward behavior as alleged, I regret that Mr. Jubb was allowed to be in the same setting with a student.

Speaking only for myself, I believe the furor over false claims of rampant sexual misconduct at Linfield is the result of unsettling times brought on by the cross-currents of a raging pandemic, great uncertainty and sweeping change. It is my sincere belief that a small number of faculty members are rebelling against the changes brought to Linfield by President Davis, beginning with the difficult decisions required in the spring of 2019 to respond to what had been several years of declining admissions and enrollment. President Davis is leading a dramatic, and in my view necessary, transition that is uncomfortable for some parts of the community.

Make no mistake: The Board of Trustees hired President Davis to bring about change, and positive changes are underway.

President Davis commissioned a presidential task force during the last academic year consisting of students, faculty and staff to review Linfield's Title IX policies and practices. They concluded that Linfield has appropriate Title IX policies, procedures and personnel in place. Linfield has mechanisms to realign and adapt those policies and procedures as regulations and best practices evolve. Most importantly, we are committed to protecting the safety of students and their privacy so that no complainant ever feels pressure to remain silent.

The Board also took action in February to clarify that each trustee is to be treated as a mandatory reporter and required to undergo Title IX training. Every active trustee completed online training this spring. In-person training will follow as soon as state restrictions permit.

Contrary to much of the noise in recent months, Linfield is committed and fully equipped to keep our community safe. It is simply untrue and irresponsible to suggest otherwise.

Humbly yours,

David Baca