

**12-Person Jury**

**In the Circuit Court of Cook County, Illinois  
County Department, Law Division**

FILED  
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DOROTHY BROWN  
CIRCUIT CLERK  
COOK COUNTY, IL  
2020L004358

Jason Hill,

Plaintiff,

—vs—

DePaul University, Scott Paeth, and Salma  
Ghanem,

Defendants.

No. 2020L004358

**Complaint and Jury Demand**

The plaintiff, Jason Hill, complains of the defendants DePaul University, Scott Paeth, and Salma Ghanem as follows:

**INTRODUCTION**

1. This case is about a tenured professor who freely spoke his mind. Plaintiff Jason D. Hill is a Distinguished Professor of Philosophy at Defendant DePaul University. Last year, Dr. Hill wrote an article commenting on the dispute between Israel and Palestine. His opinion—protected by the time-honored principle of academic freedom for professors—was nothing new or shocking. But to a powerful faction in the university community, Dr. Hill picked the wrong side of the debate. And for that, Dr. Hill has suffered censorship, injustice, persecution, and humiliation.
2. Accordingly, Dr. Hill brings this action seeking an award of damages to vindicate his contractual and due process rights, clear his name, and compensate him for the defendants' inflicted pain, humiliation, and agony.

**Parties, Venue in the Circuit Court of Cook County**

3. The plaintiff, Jason Hill, Ph.D., is an employee of the defendant, DePaul University, a Distinguished Professor in its department of philosophy, in its College of Liberal Arts and Social Sciences. He has been granted tenure by DePaul. He is a resident of the City of Chicago, in Cook County, Illinois.
4. The defendant, DePaul University, is a private university operating from several campuses in Chicago, Illinois, and its surrounding suburbs.
5. The defendant Scott Paeth is a tenured member of the DePaul faculty, and was at all relevant times the President of the DePaul Faculty Council.

6. The defendant Salma Ghanem is a tenured member of the DePaul faculty, and was at all relevant times the Provost of DePaul University.
7. All of Dr. Hill's work for DePaul takes place in its campuses in the City of Chicago, in Cook County, Illinois, and all of the activities of defendants giving rising to these claims occurred in the City of Chicago, in Cook County, Illinois.

**Operative facts**

**Dr. Hill's April, 2019, op-ed and consequent defamatory censure**

8. In the Spring of 2019, Dr. Hill was the subject of a formal resolution of censure by the DePaul Faculty Council. The reason for the censure was Dr. Hill's publication of an op-ed entitled "The Moral Case for Israel Annexing the West Bank – And Beyond," in *The Federalist*, an internationally distributed online magazine of current affairs. A copy of the op-ed is attached as Exhibit A.
9. The Faculty Council resolution was written and shepherded through the Faculty Council by defendant Paeth. A copy of the Faculty Council resolution that Paeth wrote and published to the Faculty Council for its consideration in May, 2019, is attached as Exhibit B.
10. In the process of shepherding the resolution's passage by the Faculty Council, Paeth failed to publish it in sufficient time and with sufficient broadcast to provide required notice; orally advocated in favor of the resolution to the Faculty Council at its meeting in spite of his also being author of the resolution; cut off remarks from Council members supportive of Dr. Hill, and voted in favor of it at the Council meeting; all in violation of the procedures governing Faculty Council deliberations and votes. See "DePaul Faculty Council's Capricious Treatment of Pro-Israel Professor," May 15, 2019 article from *The Algemeiner*, attached as Exhibit C.
11. The resolution included incendiary, and false, claims that Dr. Hill in his op-ed:

expresses positions that are factually inaccurate, advocate war crimes and ethnic cleansing, and give voice to racism with respect to the Palestinian populations...

Exhibit B, p. 2.

12. The resolution also accused Dr. Hill of committing "an abuse of academic freedom" in publishing his *Federalist* op-ed because, as it alleges, he was "factually inaccurate," and did not "exercise adequate concern for accuracy, restraint, or respect for the opinions of others, as per AAUP guidelines." Exhibit B, p. 2.

13. "The AAUP guidelines" referred to in the resolution are The 1940 Statement of Principles of Academic Freedom and Tenure of the American Association of University Professors, which DePaul has adopted into the terms of its contract with tenured professors via its Faculty Handbook (§6.1). The AAUP Guidelines are attached as Exhibit D; relevant excerpts of the DePaul Faculty Handbook, including §6.1, are included as Exhibit E.
14. The accusation that Dr. Hill committed "an abuse of academic freedom [by not]... exercise[ing] adequate concern for accuracy, restraint, or respect for the opinions of others, as per AAUP guidelines" quotes from the only provisions of the AAUP Guidelines that describe circumstance allowing for termination of tenured professors for cause (namely AAUP Guidelines on "Academic Freedom," ¶3 and note 6. See Exhibit D, pp. 2 and 4.)
15. As the AAUP Guidelines recite, an accusation of such "abuse of academic freedom [by not] ... exercis[ing] adequate concern for accuracy, restraint, or respect for the opinions of others" would, if proven true, constitute one explicit element of an offense justifying his termination, tenure notwithstanding.
16. The other element under the AAUP Guidelines justifying termination is that such abuse "raise[s] grave doubts concerning the teacher's fitness for his position." Exhibit D, p. 4, note 6.
17. The incendiary allegations in the resolution that Dr. Hill "expresses positions that are factually inaccurate, advocate[s] war crimes and ethnic cleansing, and give[s] voice to racism" are allegations that, if true, raise such "grave doubts" concerning Dr. Hill's fitness for his position.
18. The accusations in Paeth's resolution, therefore, are a declaration that the two factual predicates justifying Dr. Hill's termination from DePaul already exist.
19. As a matter of DePaul's own policy, when such charges are leveled against a faculty member, DePaul's Faculty Handbook requires that they be treated as disputed issues of fact, susceptible of proof or disproof by procedures detailed in the DePaul Faculty Handbook for trial of such factual matters. See Exhibit E, §4.4. (As detailed below, however, DePaul failed to follow those procedures in the case of Dr. Hill.)
20. The accusations in Paeth's resolution, therefore, are by their own terms declarations not of opinion, but of fact, susceptible of proof or disproof by procedures DePaul itself has put in place in its Faculty Handbook.
21. The accusations in Paeth's resolution, however, are also false.
22. Because the accusations in Paeth's resolution are false, and because they concern Dr. Hill's fitness for his profession and for his employment at DePaul, they are defamatory *per se*.

### DePaul's affirmation of the defamatory censure

23. At the May 1, 2019, meeting of the Faculty Council (where defendant Paeth presided, and which defendant Ghanem attended as a "guest") the Council slightly revised Paeth's defamatory draft resolution.
24. Guided, however, by Paeth's improper arrogation of the power to argue for the resolution and to cut off debate when points were raised that he did not like (see Exhibit C), Paeth accomplished the preservation of many of the defamatory statements – e.g., that Professor Hill "distorts facts," "promotes racism," and "advocates for war crimes and ethnic cleansing." (Excerpts of the minutes of the May 1, 2019 meeting which show the amendments made by the Faculty Council to Paeth's original resolution are attached as Exhibit F).
25. Notwithstanding Paeth's effort to preserve it, the Faculty Council did however, vote to remove the defamatory claim that Dr. Hill had "abus[ed] his academic freedom."
26. The as-passed version is thus slightly less defamatory than Paeth's original version of the resolution.
27. Neither Paeth nor Ghanem, however – the two highest ranking members of the DePaul administration present at that meeting – ever took any steps to create, or to see that anyone else create, a version of the resolution as-passed by the Faculty Council. Rather, Paeth's *more defamatory* original draft resolution is the only version extant
28. The original *more defamatory* version, moreover, is the only version that has ever been re-published (e.g., in *The DePaulia*, the student-run university newspaper).
29. The source of these re-publications of Paeth's original, *more defamatory* version of the resolution is Paeth himself.
30. Approximately two weeks after the Faculty Council passed the resolution, DePaul's Provost Salma Ghanem publicly expressed her support of Paeth's and the Faculty Council's false accusations against Dr. Hill, too. A copy of Provost Ghanem's statement is attached as Exhibit G (and includes this statement: "I am deeply saddened that Professor Hill used his right to academic freedom and free speech to disparage one group over another," i.e., to "abuse" that freedom and thus violate the AAUP Guidelines).
31. Ghanem's statement was thus an endorsement of the defamatory claim in Paeth's original *more defamatory* version of the resolution that Dr. Hill had abused his academic freedom, a statement that the Faculty Council voted to remove from the as-passed resolution.
32. Ghanem's statement was also thus a false claim that the whole of the Faculty Council endorsed that defamatory statement about abuse of academic freedom.

**DePaul's denial of due disciplinary process, and consequent  
denial of his right to defend his reputation and refute lies published  
to the DePaul community**

33. Paeth and Provost Ghanem – who have thus publicly opined that what Dr. Hill wrote in *The Federalist* op-ed makes him disciplinable, even by termination – are also among the administrative decision makers empowered to discipline Dr. Hill for his op-ed, and for any similar future expressions of opinion.
34. The Faculty Council is the elected body exercising the faculty's authority "to make judgments about ... the professional requirements of faculty status." DePaul Faculty Handbook, Exhibit E, §1.2 – ¶5.
35. That authority is subject to veto by DePaul's President and Board of Trustees, but "[w]hile the President and Board of Trustees have the authority to reverse the decision of the faculty regarding their primary responsibilities, it is expected they would do so only in exceptional circumstances." *Ibid.*
36. Neither the President nor the Board of Trustees, nor any of its members, however, has ever "reversed" or even expressed any disagreement or dissent from the Faculty Council resolution.
37. Section 4.4 of the Faculty Handbook sets out the procedures by which such charges as those leveled against Dr. Hill are to be brought against faculty members, and by which the truth of the charges are to be tried internally at DePaul.
38. DePaul has not only failed to follow those procedures in regard to Dr. Hill, it has completely subverted those procedures by allowing the official decision makers under the procedures to publicly affirm Dr. Hill's guilt without the protective procedures even being set formally in motion.
39. Section 4.4 requires that charges first be brought by the dean of the accused faculty member's college (Exhibit E, §4.4.3), who then is to make a written referral for cases potentially worthy of termination ("major sanctions") to the DePaul provost (*i.e.*, Ghanem). If there is a basis for believing major sanctions are due, the provost is then to make a written referral to the Faculty Council, via the Faculty Council President, who is then to appoint a disciplinary hearing board to try the charges. Exhibit E, §4.4.4.
40. As to Dr. Hill, DePaul did the precise opposite of all this -- allowing the Faculty Council President, defendant Paeth, in the first instance to draft the defamatory resolution, shepherd it through the Faculty Council without following due rules of council order (see Exhibit B), which resolution in its original *more defamatory* form was then publicly supported by provost Ghanem, without any of the procedural protections the Faculty Handbook guarantees in §4.4 ever having been invoked.

41. Despite this widely publicized defamation of Dr. Hill, and despite the complete, public subversion of the procedural guarantees that Dr. Hill was owed to prove their falsity, neither the DePaul president nor any member of the Board of Trustees objected to the Faculty Council resolution, or took any step to “to reverse the decision of the faculty regarding” Dr. Hill, or even see that a correct, as-passed version of the resolution be created and published..
42. DePaul has thus affirmed at every level the false accusations in Paeth’s original resolution.

**Faculty and student harassment of Dr. Hill – the campaign  
of intimidation and demonization of Dr. Hill throughout the  
DePaul community**

43. Shortly after publishing the op-ed in *The Federalist*, Dr. Hill began receiving anonymous death threats via his DePaul email.
44. Dr. Hill sent an email to Provost Ghanem on April 26, 2019, alerting her to the fact that he was experiencing a “hostile work environment” at DePaul University. That e-mail stated in pertinent part:

I have been under a lot of pressure as you can well understand...Students are still protesting--they just yesterday stormed my department and inundated the floors with 3 different flyers with my picture on it calling that all sorts of punitive actions still be taken against me. I am still receiving threats...My concern right now is for my physical safety. Campus security has assessed the situation and decided that I am still in need of escort on campus for at least the next week or so...I must say...my home institution feels like a threatening and hostile work environment. I am the only black faculty member, and the only black member in an all-white department which includes a large graduate student body. I must say this arrangement feels like I am going to be tried in a Kangaroo court before my peers and graduate students. This could be very damaging to my reputation...The procedures underway by my department have now made me feel threatened by some of my own colleagues...I fear that some members of the department are undermining that feeling of safety I have felt in my home institution...So, I am truly, here, asking for your help.

45. Ghanem responded to Dr. Hill’s pleas for help not by offering any aid, or even sympathy, but by publicly encouraging those attacking him.
46. Several DePaul faculty members have petitioned their own faculty chairs to prohibit Dr. Hill from teaching upper-level classes, and to encourage students to boycott his classes.
47. On May 28, 2019, DePaul encouraged students to boycott Dr. Hill’s classes by hosting a dinner entitled “Come Celebrate the Censure of Professor Hill.” That dinner was co-sponsored by his colleagues at the Department of Philosophy as well as six other departments. See the attached invitation flyer attached as Exhibit H.

48. DePaul also allowed students to hold massive demonstrations against him where they occupied entire buildings and distributed thousands of leaflets with his picture on them calling him a racist, a xenophobe, a sexist and calling for him to be terminated from the university. Among other things, the student leaflets called for "The dumping of Hill."
49. DePaul has created and hosts an online database dedicated to "keeping alive the cultural memory of Jason Hill" and to warn future students to avoid Dr. Hill and not subscribe to classes that he teaches.
50. Three of Dr. Hill's summer and fall 2019 semester classes were canceled. In the fall of 2019, he taught only two classes. One of these classes only had eight students, although in the past it usually had thirty. The other class was an "Honors" course that usually has twenty students, but in fall of 2019 had only twelve.
51. Dr. Hill's diminishing number of classes and students enrolled is the intended result of the unfair campaign of harassment against him.
52. Furthermore, Dr. Hill is shunned in the DePaul community. Even his faculty colleagues ignore and spurn him, refusing even to talk to him.
53. The aforesaid AAUP guideline has in fact been violated, not by Dr. Hill, but by each of the individual defendants, who have failed to "exercise... respect for the opinions of others" but have attempted to destroy Dr. Hill based on his legitimate opinion

**Dr. Hill's protected attributes under the Human Rights Act, and DePaul's differential treatment of similarly controversial faculty without those attributes-  
The racist and homophobic motives of defendants' actions**

54. Dr. Hill is a dark-complected man of Caribe-African descent, being born and raised in Jamaica to Afro-caribe parents. He is also homosexual.
55. All of these personal attributes of Dr. Hill are known generally among the faculty and administrators at DePaul, specifically including his dean, provost Ghanem, defendant Paeth, and DePaul's president.
56. Many other DePaul faculty members in the past have taken public stances that generated public notice and public controversy, just as Dr. Hill did by publication of *The Federalist* op-ed.
57. Many of these controversy generating statements have been on the subject of actions of the Israeli government concerning Palestinian residents of the territories in the West Bank and Gaza.

58. None of these other faculty, however, were men of Caribbean or African descent, or homosexual.
59. Nevertheless, Dr. Hill is the only member of DePaul's faculty ever to have been subject of a Faculty Council resolution for publicly expressing opinions of any sort, much less regarding actions of the Israeli government concerning Palestinian residents of the territories in the West Bank and Gaza.
60. Dr. Hill is the only member of DePaul's faculty ever to have been subject to student boycott and protest orchestrated actively by other members of the DePaul faculty.
61. Dr. Hill has been subject to these discriminatory actions on account of his race and sexual orientation, in that he has departed from the opinion defendants have deemed permissible and acceptable for someone of his race and sexual orientation, whom defendants require to espouse prevailing liberal opinion in favor the PLO and against Israel.
62. More particularly, defendants have subjected Dr. Hill to unlawful racial discrimination in that as an African-American they expect him to adhere to the opinion that African-Americans whose ancestors were slaves must view the Palestinians as an enslaved race and the Israeli government as a slave regime.

**Damages: Censorship, Financial Loss, and Public Humiliation and Scorn**

63. Although it has not yet formally begun proceedings to strip Dr. Hill of tenure or terminate his position, DePaul has nevertheless publicly announced that it will *not* provide adjudication of his rights by unbiased decision makers if and when he expresses similar opinions in the future. The *more defamatory* version of the resolution endorsed by Paeth and Ghanem also affirmatively warns Dr. Hill to "refrain from abusing his freedom" similarly in the future, thus announcing their willingness to impose similar, or worse discipline.
64. That warning is explicit censorship of Dr. Hill's future speech.
65. DePaul's censorship of Dr. Hill and threat of future discipline without due process has chilled Dr. Hill's activities both in his role as a teaching faculty member at DePaul and as a public intellectual. The opportunity for Dr. Hill to be awarded promotions, with concomitant wage increases, has been diminished. His opportunities for earning income outside of DePaul for expressing analyses and opinions as a public intellectual have also been diminished.
66. Dr. Hill has received anonymous threats of physical violence that DePaul has refused to punish or meaningfully investigate. Rather, DePaul has encouraged such threats. Dr. Hill is also treated as a pariah by other members of faculty. As a result, Dr. Hill has suffered severe mental stress and ill health.



**Count I – Breach of Contract (against DePaul)**

67. As alleged more fully above, DePaul and Dr. Hill are mutually bound by a contract of employment, many terms of which are expressed in the DePaul Faculty Handbook and the AAUP Guidelines.
68. Among the express guarantees of that written contract are that:
- a. “[Faculty members] should be free from institutional censorship or discipline...” AAUP Guidelines, “Academic Freedom, ¶ 3,” Exhibit D, p. 2; and
  - b. “DePaul accords academic freedom a prominent position as an integral part of the university’s scholarly and religious heritage...Not only the faculty but also students and other members of the university community enjoy this freedom as they participate in ... public statements made as a citizen in one’s own name, and other forms of creative expression. DePaul University is guided by the AAUP 1940 Statement of Principles on Academic Freedom and Tenure.” Faculty Handbook, Exhibit E, §6.1.
69. Dr. Hill has performed, and continues to perform, all obligations required of him under that contract, and all conditions to the contract’s enforcement have been met.
70. As alleged more fully above, defendant DePaul is obliged under that contract to allow Dr. Hill to speak and write freely, both as a DePaul faculty member and as a citizen expressing opinions in his own name, free from institutional censorship or discipline.
71. As alleged more fully above, DePaul has breached those obligations.
72. As alleged more fully above, Dr. Hill has been damaged as a proximate result of DePaul’s breaches.

**Count II – Defamation  
(against all Defendants)**

73. As alleged more fully above and in Exhibit C, in drafting and shepherding the Faculty Council resolution, Paeth purposely did not follow the rules of order applicable to Faculty Council meetings. His actions in drafting and leading the passage of that resolution were not, therefore, privileged or justified by his status as a member or elected officer of the Faculty Council, but rather were abuses of those offices.

74. As alleged more fully above the accusations against Dr. Hill in that resolution were false, were made intentionally, and concerned his fitness for his profession and fitness as a faculty member of DePaul University. They are defamatory *per se*.
75. As alleged more fully above, the administrative officers responsible for repudiating and correcting those defamatory accusations – defendant Ghanem, the President, and Board of Trustees – failed to do so. Rather, they subverted procedures set up to allow the accusations internally to be proven untrue, thus forcing Dr. Hill to seek redress here.
76. As alleged above, defendant Ghanem not only failed to repudiate the defamatory statements, she intentionally endorsed Paeth's original *more defamatory* version of the resolution accusing Dr. Hill of abusing academic freedom, and falsely and publicly claimed that the Faculty Council as a whole had endorsed that accusation, too.
77. DePaul itself has thus ratified the defamation *per se* first authored and published by defendant Paeth, and later explicitly endorsed by Ghanem.
78. De Paul and the individually named defendants have willfully and maliciously exceeded any organizational privilege by conveying the defamatory accusations to the media, thus willfully and maliciously causing national and even international harm to Dr. Hill's reputation.

**Count III – Intentional Interference with  
Prospective Economic Advantage  
(against all Defendants)**

79. As alleged more fully above and in Exhibit C, in drafting and shepherding the defamatory Faculty Council resolution, Paeth purposely did not follow the rules of order applicable to Faculty Council meetings. His actions in drafting and leading the passage of that resolution were not, therefore, privileged or justified by his status as a member or officer of the Faculty Council, but rather were abuses of those offices.
80. As alleged above, notwithstanding his failure to have the Faculty Council preserve all defamatory statements in the as-passed version of the resolution, Paeth never created a new, as-passed version of the resolution after the May 1, 2019, Faculty Council meeting but rather allowed his first draft, *more defamatory* version of the resolution to be only version extant, and allowed that *more defamatory* original version to be re-published widely, among other places in *The DePaulia*. These actions, too were, an abuse of his office as Faculty Council president and were not, therefore, privileged or justified by his status as a member or officer of the Faculty Council, but rather were abuses of those offices.
81. As alleged above, Ghanem was present at the May 1, 2019, Faculty Council meeting, and was the highest ranking officer of the DePaul administration present there.

82. As alleged above, Ghanem never took any steps to have the Faculty Council, or Paeth himself, create an as-passed version of the resolution, but rather allowed the original, *more defamatory* version originally created by Paeth to remain the only version extant, and to be the only version re-published for public consumption. Ghanem's attendance and participation in the proceedings of the meeting, and Ghanem's subsequent failure to see that an as-passed version of the resolution be created and published was an abuse of her office of university provost and was, therefore, neither privileged nor justified by her status as a member of the DePaul administration.
83. As alleged above, neither the DePaul President nor the Board of Trustees, nor any of its members has ever "reversed" or even expressed any disagreement or dissent from the Faculty Council resolution or taken any steps to see that a correct, as-passed version of the resolution be created and published. Rather, all of them have acquiesced in the original *more defamatory* version of the resolution remaining the only version extant, and the only version to be re-published. DePaul has thus ratified the abuses of defendants Paeth and Ghanem.
84. Paeth's and Ghanem's actions, as ratified by DePaul, were intentional, performed with the specific intent to damage Dr. Hill's standing in the DePaul community, to impair his contractual rights with DePaul, and to impair his prospects for advancement within the DePaul faculty and prospects for advancement as public intellectual offering commentary and opinion outside of DePaul.
85. Paeth's and Ghanem's actions, as ratified by DePaul, were malicious.
86. As alleged more fully above, Dr. Hill has been damaged as a proximate result of Defendants' actions.

#### **Additional Counts for Future Amendment**

87. Dr. Hill has accomplished all of the administrative pre-requisites to filing additional claims in this Court alleging violations of the Illinois Human Rights Act and Title VII of the federal Civil Rights Act, having filed a timely Charge of Discrimination (Exhibit I) and Opt Out Request Form (Exhibit J) with the Illinois Department of Human Rights. He has not, however, yet received the Notice of Right to Commence an Action under those statutes from the Department. He will add additional claims by way of amendment to this Complaint after he receives that Notice from the Department.

*Wherefore*, the Plaintiff, Dr. Jason Hill, prays for damages to be awarded to him against the defendant DePaul University, defendant Scott Paeth, and defendant Salma Ghanem in an amount sufficient to compensate fully for the damages he has suffered. The Plaintiff, Dr. Jason

Hill, further prays for an award of punitive damages to be awarded against all defendants for their defamation, and for their intentional, malicious interference with Dr. Hill's prospective advantage as DePaul faculty member and public intellectual, against each in sufficiently large amount to deter similar conduct in the future.

**The Plaintiff, Jason Hill, also hereby demands trial by jury.**

**By:**

*/s./ Martin Whittaker*

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