Case: 5:09-cv-00244-KSF-REW Doc #: 41-32 Filed: 09/29/10 Page: 1 of 1 - Page ID#:

## Bender, Patty

From:

Thomas H. Troland [troland@pa.uky.edu]

nt:

Friday, October 19, 2007 4:57 PM

Mike Cavagnero

Subject:

The Gaskell affair

Mike,

I'd like to take this opportunity to let you know how distressed I am about the Martin Gaskell affair. (At the same time, there is nothing I ask you to do about this situation, nor do I believe you have done anything wrong. I write this text mostly as therapy.)

It has become clear to me that there is virtually no way Gaskell will be offered the job despite his gualifications that stand far above those of any other applicant. Other reasons will be given for this choice when we meet Tuesday. In the end, however, the real reason why we will not offer him the job is because of his religious beliefs in matters that are unrelated to astronomy or to any of the duties specified for this position. (For example, the job does not involve outreach in biology.)

This choice, which I now view as inevitable, will be unfortunate. For one, we will have repudiated any claim to honoring the principles of diversity that are so piously proclaimed on this campus. Also, we will have lost the best opportunity we have to make the observatory project really

succeed. As you probably realize, there is no one on the faculty with the

time and expertise to shape the development of a small optical observatory. (There is, therefore, no one to mold the "malleable", as some applicants have been described.) So we will be particularly dependent upon the experience, knowledge and vision of the observatory director. Martin, in my professional judgment, has all of these qualities in abundance. The best we can say about the other applicants is that they may reach Martin's levels over time.

If Martin were not so superbly qualified, so breathtakingly above the other applicants in background and experience, then our decision would be much

simpler. We could easily choose another applicant, and we could content

selves with the idea that Martin's religious beliefs played little role in our decision. However, this is not the case. As it no objective observer could possibly believe that we have excluded Martin on any basis other than religious. Martin forces us to confront a perfect ethical storm. Just how committed are we to diversity and to religious freedom?

I fully realize that there are forces at work here far beyond my own control or even yours. I realize that my opinion on this matter will carry very little weight against these forces. And I realize that you have tried throughout the process to be fair to all parties concerned.

I have already stated my opinion to the observatory committee during tour last meeting. As of now, at least, I plan to remain largely silent at our

next meeting (uncharacteristic, I know!). With my opinion now known, and with little to offer regarding the relative merits of the other two top

applicants, I will let others make this decision. If things go as I

anticipate (I could be wrong!), then I will be left saddened and wondering what role I might wish to play in the observatory project in the future.

Tom

