

**FAQS AND BACKGROUND ABOUT THE LAWSUIT FILED
BY GIBSON'S BAKERY AGAINST OBERLIN COLLEGE**

INITIAL INCIDENT

On November 9, 2016, an Oberlin student inside Gibson's Bakery was accused of shoplifting by Allyn Gibson, Jr., a bakery employee and the son and grandson of the business owners. According to witnesses, the student ran out of the store and Allyn Gibson, Jr. chased him onto Tappan Square and initiated a physical altercation. Two other students became involved in the altercation. When the police arrived, they arrested all three students. Allyn Gibson, Jr. was not arrested. Witnesses reported that Mr. Gibson had initiated the physical contact.

What was the legal outcome of the arrests?

Eight months later, in August 2017, as part of a plea deal, the three students plead guilty and read a statement saying that the Gibsons were not racist. In November 2017, one year after the incident, the Gibsons filed a civil lawsuit claiming that Oberlin College and certain Oberlin administrators participated in defaming the business.

NOVEMBER 2016 PROTEST

How did the protest start?

Students reported that the protest arose out of students' concerns about the physical altercation, the police response to the altercation, and concerns voiced by some students of color of disparate treatment while shopping in the bakery. Word of the incident and arrests quickly spread among students.

Students organized their own protest, which took place the following day. Approximately 150-200 students participated.

What role did College administrators play at the protest?

Oberlin's policy handbook directs that the Dean of Students is to be present at all protests to ensure the student demonstrations are safe and lawful for all, including residents and downtown merchants. In keeping with that policy, Dean of Students Meredith Raimondo was the College's official representative throughout the protest. There were no arrests, physical violence, or property damaged at the protest.

Did Dean Raimondo pass out protest fliers created by the student protesters? Did she use a bullhorn?

No. Jason Hawk, editor of the *Oberlin News Tribune*, said in his testimony at the Gibson's trial that he approached the Dean of Students and asked what was happening. The Dean asked a student to provide her with a flyer and she handed it to him. Mr. Hawk testified that the Dean provided him with the flyer to accommodate his request and that he did not see her handing out flyers.

Yes. The Dean spoke for only two minutes using a bullhorn. In these two minutes she identified herself to all present and explained her presence and role at the protest.

Why didn't administrators prevent students from protesting?

It would violate College policy to attempt to prevent students from exercising their right to free speech and their right of assembly under the First Amendment. The Court ruled that the protests were a constitutionally protected exercise of the right to expression and assembly that cannot be the basis of any civil liability.

Did senior administrators participate in the protest, as some media outlets are claiming?

No. No member of the College's senior leadership participated in the protest. There was some testimony at the trial that a handful of faculty and staff were present at the protest. Any Oberlin faculty or staff at the protest participated in their personal capacity and not as a representative of Oberlin.

FREE SPEECH

Did the student protesters chant that the Gibsons are racist?

Yes.

Why didn't the Dean or other Oberlin officials prevent them from saying that or tell them to stop?

Oberlin's policies require that the College respond to protests without regard to the content of the message even when the administration disagrees with the message. Oberlin College is committed to the principles of academic freedom, academic inquiry, and the open exchange of diverse points of view.

DEFAMATION AND LIBEL

Did the College defame or libel the Gibsons?

No. The College did not create, endorse or condone the student senate resolution or the protest flyer that were the subject of this lawsuit.

SHOPLIFTING

Does Oberlin College condone shoplifting?

No. Those who steal deserve punishment under the law. Moreover, shoplifting in Oberlin makes business even more challenging for local merchants who are critically important to the health of Oberlin College and the City of Oberlin.

Did Oberlin College officials ever ask the Gibsons or other local merchants to turn students accused of shoplifting over to College staff members rather than the police?

No. Oberlin College officials never made such a request.

What has Oberlin College done in response to community members' concerns about shoplifting?

President Ambar arrived nine months after the protest. Strengthening town-gown relations has been one of her top priorities.

In August 2018, the College introduced a new orientation program designed to help students think through their responsibilities as residents of the City of Oberlin. This required event, called "Community 101: An Obie's Guide to Being a Good Neighbor," included Chief Prosecutor and Assistant Law Director for the City of Oberlin Farah L. Emeka '97; Fire Chief Robert Hanmer; City Manager Rob Hilliard; Ben Franklin and Mindfair bookstore owner Krista Long; Police Chief Ryan Warfield; and several members of the campus community.

It introduced students to the town's many special qualities, while communicating clearly the College's expectations for appropriate behavior on a wide range of issues, such as noise, street crossing, bike parking, and shoplifting. Additionally, President Ambar introduced "shop downtown" initiatives during orientation and commencement to support local businesses.

AFTERMATH OF PROTEST

What role did administrators play following the protest?

Oberlin administrators met with the Gibson family, offered to issue a joint statement, and offered to facilitate a meeting with selected student leaders to ensure mutual understanding. The Gibsons did not accept the offer of a joint statement or a meeting with students.

Why did the College temporarily suspend its baked goods orders with the Gibsons after the protest?

Among students, tensions remained high. Administrators sought to de-escalate that tension and looked for opportunities to rebuild trust between students and members of the community. A primary point of contention for students was the College's continuing business relationship with Gibson's. In an effort to remove issues that might provoke further confrontation, the College temporarily suspended its daily baked goods order with the Gibson's on November 14, 2016.

During the suspension, students were still able to use Obie Dollars to purchase items at Gibson's, and faculty and staff could still use departmental funds to pay for baked goods and other items.

The College resumed its orders on February 2, 2017. In total, orders were temporarily suspended for 28 days (orders are typically not made during the year-end holidays and winter term which spans

the month of January). The College continued to do business with Gibson's thereafter until the bakery's owners sued the College in November 2017.

Why did administrators state that the police report was problematic?

The police report included only testimonies from members of the Gibson family and employees. Testimonies from the three students involved in the altercation were not included, nor were narratives from multiple witnesses who provided written statements to the police.

Did some senior administrators and faculty use unprofessional language in a few emails and personal text messages some months following the protest?

Yes. Some senior administrators and faculty did use unprofessional language in a few text messages and emails well after the protest. Appropriate disciplinary action was taken in response to this behavior.

Why did the College refuse to issue the apology that the Gibsons requested, stating they were not racist?

The College worked with the Gibsons to issue a joint statement, but the Gibsons refused this offer. The College has never at any time suggested that the Gibsons were racist. An apology from the College would have been misleading, implying that the College had taken a position it never had. The appropriate role for the College was to help rebuild trust between the students and the community, and it made efforts to do so, both publicly and behind the scenes. These efforts included a series of meetings with the Gibsons, President Marvin Krislov, and various staff.

THE TRIAL

Why didn't Oberlin settle this case before it went to trial?

The College made repeated, good-faith efforts to come to a settlement agreement with the Gibsons, from before the lawsuit was filed up through the trial itself. The Gibsons' initial settlement offer was \$30 million. While there were negotiations, their settlement expectations remained extraordinarily high.

Why did the trial end up with such a large verdict against Oberlin?

The jury has spoken, and we have listened. While we respect the jury's service and we believe there are things to learn from the verdict, we do not believe that the jury applied past legal precedent with respect to the legal claims in this case. All of those factors will be part of our consideration as we determine the best path forward, and part of any next steps in the legal process.

TRIAL OUTCOME

Will the College have to pay the full amount of damages awarded by the jury?

No. Under Ohio law such damages are capped.

Will the damages awarded by the jury be paid by donations?

The College mitigates against these types of risk. We cannot predict the exact path the legal process will follow; the important thing is that Oberlin will do everything in its power to ensure that any costs it incurs will not put an additional burden on students or donors.

Will Oberlin appeal?

The judicial process is ongoing at this time. We will thoughtfully consider our options and then pursue the path that is in the best interest of Oberlin. Those options could include an appeal. We will communicate our decision on next steps when the time comes.

There have been references to “Oberlin’s core values” in emails. What values are you espousing, since it seems we have strayed from what makes us truly Oberlin?

Oberlin has many core values on which its mission and daily work are based, and which are discussed on campus on an ongoing basis, in a variety of venues. Two are particularly important in this case: First, on a pragmatic level, Oberlin is committed to the safety and wellbeing of all members of its community, especially its students. On a broader level, the College is committed to the free, civil, and respectful exchange of ideas, as a foundation for all education and the advance of human knowledge.

Finally, it is worth noting that Oberlin has a particular legacy of including the broadest possible variety of perspectives, experiences, and viewpoints in that free and open dialogue.

What was President Ambar referring to when she wrote in her statement: “There is unprecedented unity around an ambitious new vision for Oberlin. The work of fulfilling that vision is already underway. Long after this lawsuit has receded from memory, that work will shape Oberlin’s future”?

This is referring to the [One Oberlin](#) report. As institutions of higher learning, especially liberal arts colleges, face unprecedented pressures, Oberlin is helping to lead the national discussion on how colleges must adapt to the needs of students and society in the Twenty-first Century. The recommendations of the steering committee that produced the One Oberlin report were overwhelmingly endorsed by a General Faculty vote and approved unanimously by the Board of Trustees.

What has been the Trustees’ involvement in this matter?

As stewards of Oberlin with both a fiduciary and strategic responsibility, the Trustees have been involved and closely monitoring this matter.

IMPACT

What effects will the large verdicts against Oberlin have on the college?

The Lorain County jury's recent verdict and assignment of punitive damages were a disappointing step in the legal process, but by no means represent the final outcome. As President Ambar noted in her most recent campus-wide email, "I am confident that when we resolve this, it will look substantially different than what you have seen in these early stages."

Importantly, President Ambar also noted in the email that the lawsuit "will not distract, deter, or materially harm our educational mission for today's students and generations to come."

What will Oberlin do differently as a result of this lawsuit?

Any deep examination of our practices, such as this one, provides an opportunity to learn and to improve. We will improve by making even deeper efforts to engage with our local community, continuing discussions and initiatives with our students, faculty, and staff about the impact of even legally permissible speech and behavior, and holding broad campus discussions and training with respect to professionalism, particularly in regard to electronic communications.

What steps will Oberlin take to tell the full story of this lawsuit?

During the trial phase, the College was scrupulous about not making any public statements that would inappropriately influence a jury or litigate the case through the media.

In upcoming phases, Oberlin will be more proactive about explaining the case and illuminating underlying issues that have high stakes not just for the College, but for free speech on campuses across the nation. Oberlin has a duty to help the public understand the value liberal arts colleges offer not only to their students, but society more broadly, and the threats posed by a case like this.

How should alumni respond to the many classmates, friends, and colleagues who are asking about this situation?

They can use these FAQs as a resource. Additional information can be found on [Oberlin's website](#).