



June 18, 2025

Sarah C. Mangelsdorf
Office of the President
University of Rochester
240 Wallis Hall
Rochester, New York 14627

Sent via U.S. Mail and Electronic Mail (ThePresidentsOffice@Rochester.edu)

Dear President Mangelsdorf:

FIRE, a nonpartisan nonprofit that defends free speech,¹ is concerned by the Eastman School of Music's expulsion of student Rebecca Bryant Novak from the Doctor of Musical Arts program without due process and seemingly in retaliation for her public disclosure of the University of Rochester's ongoing investigation of Eastman's treatment of Bryant Novak. We urge Rochester to immediately reinstate Bryant Novak and ensure that she can complete her doctorate with oversight by Eastman faculty and officials not subject to investigation for misconduct related to Bryant Novak.

In fall 2023, Bryant Novak reported alleged sexual harassment by Professor of Conducting Neil Varon. She initially declined to file a formal report, instead requesting limited contact with Varon.² According to Bryant Novak, Senior Associate Dean of Academic and Student Affairs and Title IX Coordinator John Hain denied the request for limited contact, suggested Bryant Novak transfer, and told her the school trusted Varon's judgment because he is faculty.

Bryant Novak published articles about her experience at Eastman on Substack, including an account of her conversation with Hain.³ In response, Hain threatened her with a defamation lawsuit if she did not remove the post.⁴ Bryant Novak also reported Hain's mishandling of her

¹ For more than 20 years, FIRE has defended freedom of expression and other individual rights on America's university campuses. You can learn more about our mission and activities at thefire.org.

² The recitation here reflects our understanding of the pertinent facts. We appreciate that you may have additional information to offer and invite you to share it with us. To these ends, please find enclosed an executed privacy waiver authorizing you to share information about this matter.

³ See Rebecca Bryant Novak, *Maybe You Should Transfer*, THE QUEEN OF WANDS (orig. published May 17, 2024) (unpublished manuscript), <https://rebeccabryantnovak.substack.com/p/8785f2db-4d2b-471c-9672-e7d53045246f>.

⁴ Letter from J. Morgan Levy, attorney, to Rebecca Bryant Novak, student (May 23, 2024) (on file with author); email from Levy to Bryant Novak (May 23, 2024, 5:03 PM) (on file with author). Bryant Novak removed the post from her public Substack due to the threat. See Bryant Novak, *supra* note 3.

complaint to the University of Rochester and, after a year-long investigation, the university formally determined that Varon had indeed violated its harassment policy and Eastman had grossly mishandled her complaint.⁵

Despite these developments, Eastman allowed Varon to retain oversight of Bryant Novak’s academic trajectory. Associate Dean of Graduate Studies Matthew Ardizzone told Bryant Novak that the school restricted her performance times because she had filed a complaint against Varon. When Bryant Novak protested the restrictions, Eastman did nothing.⁶

As a result of the alleged retaliation against Bryant Novak, Rochester opened a second investigation into Eastman’s mishandling of the situation in December 2024.⁷ Bryant Novak publicly disclosed the university’s new investigation in a Substack article on February 10.⁸

On February 25, Eastman expelled Bryant Novak, citing failure to make academic progress.⁹ She received no prior notice about concern with her progress or that she could be dismissed from the program. In fact, Ardizzone—the author of the dismissal letter—had emailed Bryant Novak just days earlier explaining that her coursework this semester would fulfill the residency requirement and remaining requirements (lecture recital and dissertation) could be completed during the next academic year.¹⁰

Eastman’s abrupt dismissal of Bryant Novak from the Doctor of Music program—purportedly due to insufficient academic progress—without notice or opportunity to respond represents a stark departure from its written policy.¹¹ Eastman’s Academic Policy Handbook states that students who do not maintain sufficient academic progress “will be notified in writing should

⁵ Email from Bryant Novak to PADH (Stephen Burke, Deputy of Civil Rights Investigations and Deputy Title IX Coordinator) et al. (May 19, 2025, 5:19 PM) (on file with author); email from Bryant Novak to Ardizzone et al. (Feb. 13, 2025, 11:37 PM) (on file with author).

⁶ See email from Bryant Novak to Tito Munoz et al. (Feb. 11, 2025, 2:16 PM) (on file with author); email from Matthew Ardizzone, Associate Dean of Graduate Studies, to Novak et al. (Feb. 13, 2025, 8:00 PM) (on file with author).

⁷ Email from Stephen Burke, Director of Civil Rights Investigations and Deputy Title IX Coordinator, to Bryant Novak (May 19, 2025, 8:07 AM) (on file with author).

⁸ Rebecca Bryant Novak, *Secret Keeper*, THE QUEEN OF WANDS (Feb. 10, 2025), <https://rebeccabryantnovak.substack.com/p/secret-keeper>.

⁹ Dismissal letter from Matthew Ardizzone, Associate Dean of Graduate Studies, to Novak (undated) (enclosed).

¹⁰ Email from Ardizzone to Bryant Novak, *supra* note 5; email from Ardizzone to Bryant Novak (Feb. 14, 2025, 2:11 PM) (on file with author).

¹¹ Eastman’s policies represent a legal and moral obligation to students. New York courts have held violations of guarantees in a student handbook and on the university website can constitute a breach of contract. See, e.g., *Novio v. N.Y. Acad. of Art*, 317 F.Supp.3d 803 (S.D.N.Y. 2018) (a claim for breach of contract requires the student to “identify specific language” in the school’s materials promising “to provide for certain specified services”). Moreover, the public policy of deference to educational decisions would not be appropriate when such deference would not implicate a special area of academic decision-making or be “necessary to [the institution’s] continued existence.” *Hassan v. Fordham*, 515 F.Supp.3d 77, 91 (S.D.N.Y. 2021) (citing *Gertler v. Goodgold*, 107 A.D.2d 481 (NY App. Div. 1st Dept. 1985)).

there be any concerns regarding their progress in their academic plan.”¹² If a doctoral student fails to “successfully complete at least 50% of their attempted coursework in any given semester” or “accumulate[s] three or more credits of C or E over the course of their degree,” the student will be placed on Financial Aid Warning status,¹³ with the opportunity to appeal the decision to the Graduate Academic Progress Committee.¹⁴ If the student fails to return to good standing within one semester, the student will be placed on Financial Aid Probation.¹⁵ If the student fails to meet the requirements necessary to remove themselves from Financial Aid Probation after one semester, the student may be dismissed.¹⁶

Eastman followed *none* of this process when it dismissed Bryant Novak. Eastman did not provide Bryant Novak prior warning that it was concerned about her academic progress; it did not demonstrate that she completed less than 50% of her attempted coursework in a single semester or accumulated three or more credits of C or E as required to place her on warning status; it did not inform her that she was on Financial Aid Warning or Financial Aid Probation; it did not provide her the opportunity to appeal a warning designation; and it did not provide her with two full semesters to return to good standing before it dismissed her. Instead, the dismissal letter included a range of allegations, none of which individually or collectively satisfy the written standards for placing a doctoral student on warning or probation status, let alone proceeding to dismissal.¹⁷

Eastman’s failure to follow its own policy in any respect, the temporal proximity of Bryant Novak’s dismissal to her public disclosure of Rochester’s investigation, and Eastman’s contentious history with Bryant Novak—including Hain’s lawsuit threat against Bryant Novak and the conflict of interest inherent in allowing Hain’s direct report, Ardizzone, to retain authority over Bryant Novak’s academic standing—all strongly suggest that Bryant Novak’s dismissal was retaliation for speech explicitly protected by Rochester policies.¹⁸

¹² *Academic Policy Handbook*, § 05.06 Satisfactory Academic Progress, EASTMAN SCH. OF MUSIC, <https://www.esm.rochester.edu/registrar/policy/05-00/#05.06> [<https://perma.cc/VX8V-UQB>].

¹³ *Id.* at § 05.06.01 Financial Aid Warning. “Students will be notified in writing by the Associate Dean of Graduate Studies of the requirements that must be satisfied in order to remove themselves from Financial Aid Warning status.” *Id.* A C grade in a course is considered “poor” and an E grade is considered “failure.” *See Key to Transcript Grades and Symbols*, EASTMAN SCH. OF MUSIC (Apr. 27, 2020), https://www.esm.rochester.edu/registrar/files/2020/04/3239_ESMtranscript2020_Landscape_v1-2.pdf [<https://perma.cc/Z2TG-63DL>].

¹⁴ *Id.* at § 05.06.03 Appeals.

¹⁵ *Id.* at § 05.06.02 Financial Aid Probation. “Students will be notified in writing by the Associate Dean of Graduate Studies of the requirements that must be satisfied in order to remove themselves from Financial Aid Probation status.” *Id.*

¹⁶ *Id.* at § 05.06.04 Dismissal.

¹⁷ *See* enclosed dismissal letter, *supra* note 8.

¹⁸ *Policy Against Discrimination, Harassment, and Discriminatory Employment/Service Practices*, § II: Relationship to Principles of Academic Freedom and Freedom of Speech, UNIV. OF ROCHESTER, <https://www.rochester.edu/policies/policy/discrimination-harassment/> [<https://perma.cc/GY2B-Y9N8>]; *id.* at § III(C) Retaliation (identifying “making a complaint, participating in the complaint process, [and] participating in an investigation of a complaint” as protected activity). While the University of Rochester is a private educational institution and therefore not bound by the First Amendment, Rochester’s clear

Furthermore, even before dismissing Bryant Novak, Eastman allegedly pursued an overt campaign of retaliation against her by restricting her performance times, limiting her access to assignments and ensembles, and placing officials whom she reported for misconduct in positions of oversight to her academic trajectory—all in clear violation of Rochester’s prohibition on retaliation “against any person who complains of or opposes perceived discrimination or harassment.”¹⁹ Rochester believed this alleged pattern of misconduct by Eastman officials was serious enough to launch a new investigation in December 2024, yet allowed the very officials suspected of retaliatory behavior to retain authority over Bryant Novak. Even more damningly, Rochester did nothing when the same officials it was supposedly investigating dismissed Bryant Novak from Eastman.

We request a substantive response to this letter no later than July 2, confirming that Rochester will reinstate Bryant Novak to the Doctor of Music program and will ensure that she is able to continue her academic career outside of the direct authority of the officials she has previously reported for misconduct.

Sincerely,



Jessie Appleby
Program Counsel, Campus Rights Advocacy

Cc: Donna Gooden Payne, Senior Vice President and General Counsel
Kate Sheeran, Joan and Martin Messinger Dean
Matthew Ardizzone, Associate Dean of Graduate Studies
Stephen Burke, Director of Civil Rights Investigations and Deputy Title IX Coordinator

Encl.

invocation of free speech principles means that First Amendment jurisprudence can provide a baseline for the expressive rights community members can expect to exercise.

¹⁹ *Id.* at § I(B): Anti-Retaliation Statement. Rochester defines retaliation as “an action taken by the University or a member of the University community that would dissuade a reasonable person ... from making a complaint, participating in the complaint process, or participating in an investigation of a complaint. An action is retaliatory if it is taken because the individual has engaged in protected activity.” *Id.* at § III(C) Retaliation.

Dear Rebecca,

For the reasons that follow, this letter serves to inform you of your dismissal from the Eastman School of Music of the University of Rochester, effective immediately.

As you know, and as per Eastman policy, graduate students must make “Satisfactory Academic Progress” towards completion of their degree in order to remain in good standing with the School. You have declared that you are no longer going to work with your primary teacher, Guest Conductor Tito Muñoz, with whom Eastman contracted specifically to be your conducting teacher for the latter part of the fall 2024 semester and for the spring 2025 semester. You have also declared that you are not going to complete your Teaching Assistant assignment for the current 2025 Spring Eastman School Symphony Orchestra (ESSO) cycle no. 2, that you are not going to conduct the Schumann Cello Concerto during the ESSO cycle no. 2 concert, and that you are not willing to participate in the instances of conducting seminar and Graduate Conducting Orchestra that were specifically arranged for you so that you could work exclusively with Mr. Muñoz. In addition, you have declared that you will not complete Colloquy, a required course. Further, you have failed to appear for and/or submit assignments for courses in which you were registered this past semester, which will unavoidably result in failing grades for CND 440 and TH 411. As a result of the foregoing, there is no viable path for you to remain in good standing with the School.

Eastman has made numerous attempts to provide you with the faculty instruction necessary for completion of the DMA in conducting. However, you have rejected the options of working with Brad Lubman, Professor of Conducting & Ensembles (new music), and Mark Scatterday, Professor of Conducting & Ensembles (wind ensembles). Eastman hired Guest Conductor Jerry Hou as instructor of orchestral conducting for academic year 2024-2025, and you worked with him for less than a semester before requesting that you be able to study with Guest Conductor Tito Muñoz instead. With Mr. Muñoz’s agreement, Eastman accommodated this request, amending Mr. Muñoz’s contract to provide you with an individualized conducting seminar and GCO for this spring 2025 semester. You then declared that you would not complete the conducting seminar and GCO. Finally, you also made clear, in communications from fall 2024, that you do not want any feedback from Guest Conductor Jherrard Hardeman. By indicating that you want limited or no contact with all of Eastman’s conducting faculty, there no longer remain any conducting faculty with whom you may study to complete your degree.

Not specifically considered in reaching the above decision of dismissal, but nonetheless of sufficient importance not to go without remark, are the multiple instances of misconduct inconsistent with University values and expectations for graduate student behavior at Eastman that you have exhibited throughout your tenure at the School. These have included (but are in no way limited to): misuse of University email systems; requesting your primary teacher to lie for you; inappropriate lecturing and reprimanding of orchestra students; noncompliance with legitimate Administration directives regarding the distribution of materials to attendees at public concerts; creating a hostile, uncomfortable and unsafe environment for students; failing to maintain appropriate communication boundaries set by your primary teacher; failure to engage in respectful communications with your primary teacher and Administration; and refusal to have any conducting faculty present (other than Mr. Muñoz) when conducting students. In addition, you have used language that has been perceived as threatening violence in a communication to multiple faculty members and Administration.

As discussed above, the absence of and inability to maintain satisfactory academic progress coupled with your rejection of all possible conducting faculty at Eastman with whom you might be able to study precludes the successful completion of your DMA degree. Accordingly, your administrative withdrawal is effective immediately. Therefore, you can no longer attend classes, rehearsals, lessons, and student activities, and must return any University property, including keys, your Eastman Student ID, and any library books, to the DPS desk in Lowry Hall no later than 4:00 PM February 26, 2025.

We wish you well in your future endeavors.



Matthew Ardizzone
Associate Dean of Graduate Studies

Cc: Kate Sheeran