

# Former Cal Poly teacher says she was denied tenure partly because she was Mormon and pregnant

## HIGHLIGHTS

Alison Mackey taught at the Orfalea College of Business

Mackey claims she was ridiculed for having children with disabilities

Cal Poly counters, saying her professional background didn't warrant tenure



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A former Cal Poly business professor says she was denied tenure because she was a Mormon, had children with disabilities and took a leave of absence during her pregnancy, according to a lawsuit filed this week. But the university says the plaintiff's professional background did not warrant tenure.

Alison Mackey was an assistant professor of management, according to the website for the Orfalea College of Business, with a PhD in business policy and strategy from Ohio State University and master's and bachelor's degrees from Brigham Young University. Her lawsuit, filed Wednesday in San Luis Obispo Superior Court, seeks an unspecified amount of damages, and it asks that she be reinstated at Cal Poly as a full tenured professor.

"She was an academic superstar," said her Oakland-based attorney, Jody DeWitter.

Mackey, 38, is a member of the Church of Jesus Christ of Latter-day Saints and the mother of children with disabilities.

Yet, the university says, personal information like that does not factor into tenure considerations.

"After careful consideration at all levels, it was determined that Dr. Mackey did not demonstrate a record of achievement worthy of tenure, as is required of all tenure track faculty, regardless of their personal characteristics," the statement read.

According to the complaint, the following occurred:

Mackey, who has nine years of experience teaching business courses at the undergraduate and graduate levels, accepted a job as an assistant professor at Cal Poly in 2007. While there, “she was a driven and tenacious professor, earning praise from students and peers” while adding to her significant publishing history, her suit states.

In the fall of 2012, she was evaluated for tenure. At the same time, she notified her department head that she would be taking family medical leave due to her pregnancy. The department head later disclosed to the peer review committee, which makes tenure recommendations, that Mackey was pregnant.

“Following this disclosure, several members of the PRC levied discriminatory accusations against Dr. Mackey, including that Dr. Mackey was using her pregnancy as ‘an excuse’ for not doing more work and lamented the fact that she was pregnant ‘again,’” reads the complaint, filed by DeWitter, an employment attorney in Oakland.

At least one member likened Mackey’s having children with disabilities to having dogs, the complaint notes.

“The PRC criticized Dr. Mackey for having a third child, especially given that her first two children had disabilities, and for taking leave, and the members suggested that because Dr. Mackey was a member of the Church of Latter-day Saints, she would continue having children with disabilities,” according to the complaint.

The peer review committee did not recommend tenure, the complaint added, “despite overwhelming evidence that she was qualified for tenure.”

A second peer review committee, along with a faculty affairs committee, and the dean of the college also recommended against tenure, the suit states, because they relied on the discriminatory recommendations of the initial review committee. In May 2014, the suit states, Cal Poly’s provost and executive vice president for academic affairs informed Mackey that she was not going to be granted tenure. Then he offered her a position for the 2014-15 school year that would be her last year with the university.

During the various stages of the tenure process, the suit notes, Mackey was evaluated by different standards than those used to evaluate other tenure candidates. During that same period, the suit added, “other professors who were male, not members of the Church of Latter-day Saints, not associated with persons with disabilities, and/or had not taken a family medical leave, and with equal and/or lesser qualifications, were granted tenure and allowed to continue their employment with the university.”

DeWitter said pregnancy discrimination is common — and that Cal Poly held Mackey to a double standard.

But Cal Poly says it looked into the allegations and concluded they were not warranted.

“All of Dr. Mackey’s allegations were thoroughly investigated by a neutral, trained investigator in accordance with our systemwide discrimination, harassment and retaliation policy,” the statement read. “At the conclusion of the investigation, it was determined that there was no evidence to support Dr. Mackey’s allegations that her gender, pregnancy, religion, children’s disabilities were a factor in the University’s decision not to award her tenure.”

According to her resume, posted online, Mackey was a visiting assistant professor of management at Texas A&M for a year before coming to Cal Poly. Her top pay at Cal Poly was \$90,000 in 2012, according to The Sacramento Bee’s state salary database.

According to the website for Westminster College in Salt Lake City, Utah, Mackey is currently an assistant professor of management there.



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