

Academic Freedom and Tenure

Nyack College (New York)¹

Introduction

The undersigned *ad hoc* committee visited Nyack, New York, on October 22 and 23, 1993, to investigate the case of Professor June S. Hagen at Nyack College. A week earlier, counsel for the college had informed the Association's Washington office that the investigating committee would not be welcome on the campus. The committee met at a local hotel in Nyack with Professor Hagen, current members of the Nyack College faculty, and Mr. L. Jay Mapstone, former dean of the college. Subsequent to the committee's visit to Nyack, its chair interviewed by telephone Mr. Rexford A. Boda, the college's president emeritus; Mr. Donald V. Seibert, a former chair of the board of trustees; and Dr. Woodford C. Stemple, a trustee who has continued on the board. Notes relating to Professor Hagen's case that were taken by President Boda were made available to the investigating committee. The committee is grateful to these individuals for their cooperation.

Nyack College traces its history back to 1882, when it was founded by Dr. Albert B. Simpson, a founder also of the Christian and Missionary Alliance. The Alliance is an evangelical church with headquarters in Colorado Springs, and the college, in the words of its *Student Handbook*, is a Christian liberal arts institution serving the Alliance. The members of the college's board of trustees are elected to their positions by the board of managers of the Alliance. The college was initially accredited in 1962 by the Middle States Association of Colleges and Secondary Schools and in 1990 by the Association of Theological Schools. There are currently some 560 students and approximately fifty-five full-time faculty members.

Under the leadership of Mr. Seibert, President Boda, and Dean Mapstone, each of whom was to leave office during the early months of 1993, the college had sought to refocus its educational and faculty programs while remaining true to its confessional history and loyalty. Especially visible were efforts to diversify the stu-

dent body ethnically, to extend educational opportunities to older and non-traditional students, and to mirror better in the faculty the proportion of female students. There were also initiatives to broaden the curriculum.

Dr. Hagen began teaching in the English program at Nyack College in the fall of 1991 at the rank of full professor. She was previously a visiting professor at New York University (1990-91) and had taught for fourteen years at The King's College in Briarcliff Manor, New York (1977-90). She obtained the B.A. degree from Houghton College (New York) in 1962, the M.A. degree from Duke University in 1964, and the Ph.D. from New York University in 1971. Her publications include *Tennyson and His Publishers* (1979) and *Gender Matters: Women's Studies for the Christian Community* (1990).

The Case of Professor June S. Hagen

On November 2, 1992, the day before the national elections, Professor Hagen discovered upon entering her classroom that some students were having a heated discussion on the subject of homosexuality and homosexual rights. According to Professor Hagen's account of events, the vehemence of the exchanges led her to enter the discussion in an unsuccessful attempt to "defuse" it. She tried to introduce a distinction between homosexuals as persons and homosexual behavior, and to point out that, as citizens, homosexuals have constitutional rights. After about ten minutes she concluded that further discussion was fruitless, and she turned to the subject of that day's class, bigotry as illustrated by the character Joseph in *Wuthering Heights*. To introduce the subject, she referred to an article in the *New York Times*, which quoted the executive director of the national Christian Coalition to the effect that the November election would feature "the union boiler rooms and the black churches vs. the evangelicals." Professor Hagen commented on the apparent bias of this remark and drew attention to the relatively large number of African-American students enrolled at Nyack College, an evangelical Christian institution. She also referred to a leaflet that had been distributed on campus by the Christian Coalition. Another heated discussion ensued. Eventually, Professor Hagen decided that the emotional climate of the classroom was not conducive to a discussion of Joseph's bigotry, and she ended the class period talking about other aspects of *Wuthering Heights*. Professor Hagen was troubled, however, that she had mishandled the class session, and she began her class on November 4 by apologizing for allowing the

¹The text of this report was written in the first instance by the members of the investigating committee. In accordance with Association practice, the text was then edited by the Association's staff, and as revised, with the concurrence of the investigating committee, was submitted to Committee A on Academic Freedom and Tenure. With the approval of Committee A it was subsequently sent to the faculty member at whose request the investigation was conducted, to the administration of Nyack College, and to other persons concerned in the report. In the light of the responses received and with the editorial assistance of the Association's staff, this final report has been prepared for publication.

discussion about homosexuality to go on for as long as it had. After some remarks by Professor Hagen and students about guidelines for discussing controversial issues in the class, Professor Hagen turned once again to *Wuthering Heights*.

On that same day, President Boda received a letter from the parents of a student in the class complaining that Professor Hagen had made unspecified "nasty remarks" about the Christian Coalition and one of its leaders (the student's mother was, at the time, chairperson of the Orange County, New York, chapter of the Christian Coalition); that she had stated that homosexuality was not wrong; and that she had embarrassed their daughter when she protested against Professor Hagen's comments. The letter concluded: "If Dr. Hagen is still there next semester we will consider alternatives for [our daughter's] education." In his reply of the same day, President Boda stated that he had personally interviewed Professor Hagen, "particularly on the issues of historic, evangelical doctrine and theology," when she was being considered for an appointment to the college faculty, and at that time "her viewpoints appeared to be satisfactory in this regard." He assured the parents that the college's commitment to "sexual purity" was unwavering.

Professor Hagen met twice with Dean Mapstone on November 6. After the first meeting she encountered a student whom she did not know and who complained to her about a button attached to her briefcase. The button, approximately one inch in diameter, was black with a small pink triangle, on which appeared the words, "Support Gay Rights." Professor Hagen had put the button on her briefcase at the beginning of the semester. She reported the incident involving the student in her second meeting with Dean Mapstone. The student subsequently wrote to President Boda, on November 11, to complain about the button. He also commented on Professor Hagen's membership in the American Civil Liberties Union, which the student described as an organization "vehemently opposed to the Biblical standards and traditional Christian values." Additionally, a local pastor, in a letter to President Boda of November 9, was highly critical of the button, asserting that "a professor who advocates 'gay/homosexual rights' has no place at Nyack College." In her second meeting with Dean Mapstone, Professor Hagen was advised to meet with President Boda as soon as possible. Following her meeting with the dean, Professor Hagen, after refreshing her memory about the official college statement on homosexuality, telephoned the dean to assure him that she was in wholehearted agreement with it. That same afternoon she removed the button from her briefcase.

On November 10, however, Professor David Turk, chair of the English program at Nyack College, reported to Professor Hagen his having heard rumors that the college's Student Government Association was planning to complain to the board of trustees. Apparently it never did. Professor Turk also told Professor Hagen that he supported her and would encourage President Boda to do likewise.

Professor Hagen met with President Boda on November 13.

According to Professor Hagen's contemporaneous notes of the meeting, she explained to President Boda, as she had to Dean Mapstone, that she did not intentionally embarrass or ridicule a student in her class, but that she was deeply sorry if the student had misunderstood her remarks. She denied ever having said that homosexual behavior was acceptable. As for the button on her briefcase, she told President Boda that it represented her concern about violence against homosexuals. She reports that President Boda asked her about her connection with the ACLU and remarked that "in terms of your future I am wondering if the campus can tolerate a liberal Democrat."

A little more than a week later, on November 23, Dean Mapstone replied to the parents who had written to President Boda. He stated that Professor Hagen had expressed "genuine remorse" about embarrassing their daughter and had "apologized to the class for her remarks." He said that he had spoken with Professor Hagen about her opinions on homosexuality, and that she had "affirmed her agreement with the College's position which, of course, is the same as that of the Christian and Missionary Alliance." At the same time, he said the "incident is not being taken lightly and final disposition has yet to be decided."

Professor Hagen met again with President Boda on November 25. She reports his having said that he continued to be disturbed about the button on her briefcase, and his having also questioned her about her position on abortion rights. He told her that several members of the board of trustees had expressed concern about her alleged views on homosexuality. The president discussed with Professor Hagen the possibility, apparently suggested initially by some trustees, that she write a statement describing her views on the matter. Professor Hagen was reluctant to do so, believing that it was unfair to ask only one member of the faculty to write such a statement. Instead, she wrote the following statement a few days later, reaffirming her support for the college's position on homosexuality, and asked President Boda to convey it to the board of trustees:

Dear Trustees:

I am a wholehearted supporter of the Mission, Educational Goals, Statement of Faith, and Lifestyle Expectations of Nyack College as described in the college catalogue and faculty handbook. Included in this affirmation is full support for the statement about homosexuality in the student handbook.

The statement in the *Student Handbook*, appearing in a section, "Sexuality," reads as follows:

The college promotes a life-style, based on Biblical teaching, that precludes premarital and extramarital intercourse, homosexual practice, and other forms of sexual behavior incompatible with the conservative Christian life-style. Any student violating these principles will be subject to dismissal.

On the same day, a letter written by a student was distributed on campus "To All Faculty and Staff." Its principal focus was the purported difficulty that white students were experiencing in dealing with ethnic minorities among the Nyack College student body. The letter also alluded to Professor Hagen: "Ethnically diverse or not, we should not hire professors who are vocally pro-choice, believe in homosexual rights, or carry membership cards for the A.C.L.U."

Between November 23 and December 6, President Boda continued to meet with students and also was in communication with several Christian and Missionary Alliance pastors. He met with Professor Hagen again on December 7. While affirming his support for her, he told her that he could foresee trouble with "at least one board member at contract time," and that her opponents considered her announced support of the college's policies regarding homosexuality simply a way of trying to retain her position. Later that day, President Boda and Mr. Seibert agreed to speak jointly at the college's chapel service the following morning about the increasing tensions on the campus because of ethnic divisions among students and the complaints against Professor Hagen.

At the chapel service President Boda was direct and forthcoming in his comments about Professor Hagen. He stated that he had conducted a full investigation and had concluded that there was no basis for the allegations against her. He read aloud her statement to the board of trustees. His office issued a summary of his remarks:

Dr. Hagen had made a plain statement of her full support for the College's ethical and moral stand in regard to homosexuality.

In regard to the gay rights sticker displayed on her briefcase, its display was simply to take a stand against gay bashing, but in no way was intended to indicate her support of the full gay rights agenda.

It is her judgment that its display was a foolish mistake on her part for which she is sorry.

Professor Hagen did not attend the chapel service, but after learning of President Boda's remarks she recorded in her daily notes that "I believe that the chapel speech—a public vindication of me by the President of the College—should put the question of my commitment to the college's standards to rest.... And I hope to not have anything more to add to these notes." The hope was premature, however, for the question of Professor Hagen's commitment was taken up by the board of trustees at its meeting on February 18–20, 1993.

For this meeting of the trustees, from which Trustee Seibert was absent, President Boda submitted the names of those faculty members the administration was recommending for reappointment. Professor Hagen's name was on the list. The president presented her case separately, together with his recommendation for her continuance. The board, however, did not accept the presi-

dent's recommendation. Professor Hagen was the only faculty member on President Boda's list whose appointment was not renewed. Moreover, the board removed President Boda from his position and called upon Dr. Ronald W. Ruegsegger, special assistant to the president, to serve as interim president. The board instructed Dr. Ruegsegger to inform Professor Hagen that her appointment would not be renewed beyond its expiration on August 31. Dr. David E. Schroeder succeeded to the presidency in June 1993. Within four months of the trustees' February meeting, Mr. Seibert was to retire from the board and Dr. Mapstone was to be replaced as dean of the college.

On February 26, Professor Hagen met with Dr. Ruegsegger and was given written notice of the nonrenewal of her appointment. She asked if she would receive an explanation for the board's decision. Dr. Ruegsegger replied in the negative. The next day Professor Hagen wrote to Dr. Ruegsegger, formally requesting an explanation. Dr. Robert E. Nanfelt, chair of the board of trustees, responded to Professor Hagen on March 3. "As you know," he wrote, "the Nyack College Faculty Handbook states that a reason does not have to be given for not renewing a contract," and that not doing so was not unusual and should not be "considered offensive, particularly for one who has served the college for less than two years."

On March 13, Professor Hagen, in a letter to Dean Mapstone, sought to initiate an appeal against her nonreappointment under the grievance procedure set forth in the *Faculty Handbook*. The handbook states that "any member of the faculty who feels that academic freedom has been violated by the administration shall be given the opportunity to state such a case before the Faculty Affairs Committee." In her grievance statement Professor Hagen alleged that the decision of the board of trustees was based on its "dislike of my political views, activities, and speech." Her statement continued:

If the Board had suitable reasons for not renewing my contract, reasons based on sound judgment and evaluation of my teaching performance, carrying out of responsibilities as a faculty member, or adherence to the confessional standards of the institution, they would be willing to give them. Since they have refused to give a reason, I can only assume their decision...cannot be justified according to the usual standards and practices of our profession.

In his reply of April 5, Dean Mapstone stated that, while the trustees believed "that they have acted within the bounds of their authority and in keeping with the best interests of the College," Professor Hagen could pursue the matter further by writing to Dr. Ruegsegger. He, in turn, "will respond to you directly and will convene a grievance committee hearing." Professor Hagen and Dr. Ruegsegger exchanged letters that same day. Notwithstanding what Dean Mapstone had told Professor Hagen, Dr. Ruegsegger informed her that he would not be convening a grievance committee, for "the decision [not to renew your appoint-

ment] was made by the full Board of Trustees and there is no appealing that decision within the institution.”

Professor Hagen had sought the advice and assistance of the American Association of University Professors, and by letter of April 16 its staff conveyed the Association's concern to the administration that the nonreappointment decision may have been based on reasons violative of her academic freedom. Dr. Ruegsegger, replying to the staff on April 25, stated that, “since [Professor Hagen] is not a tenured professor,” the board of trustees was not obliged to give her reasons for its decision, that the notice of nonrenewal was timely, and that the board did not violate her “right to free speech, since at no time was she told that she could not say certain things.” Responding on May 3, the staff reiterated the concern regarding academic freedom and pointed out that the amount of notice which Professor Hagen had received was less than that to which she was entitled under Association-supported standards. In his reply of May 7, Dr. Ruegsegger stated that, “[i]f no reasons are given for an action, then there is no basis for claiming that the action may have been taken for the *wrong* reasons” (emphasis in text). With regard to the timeliness of notice, the letter stated that the administration had adhered to the college's standards, calling for notice by March 1.

The staff again expressed concern about Professor Hagen's case in correspondence with President Schroeder, who had assumed office in June. With the new president's letters to the Association revealing no change in the position of the administration, the general secretary authorized this investigation, and the staff so notified President Schroeder by letter of September 3, 1993.

The Issues

Standards for Notice of Nonreappointment

The Nyack College faculty regulations provide that written notice of nonreappointment will be given to a faculty member in the first or second year of service “not later than March 1 if the appointment is to expire at the end of that academic year,” and not later than December 15 if the faculty member has served two or more years at the college. By contrast, Association-supported standards call for notice not later than March 1 of the first year of service; not later than December 15 of the second year of service; and at least twelve months before the expiration of an appointment after two or more years of service at the institution.

Professor Hagen was in her second year of service at Nyack College when she was notified on February 27 of the board's decision not to renew her appointment for the next academic year. While the notice that Professor Hagen received was consistent with the notice standards stated in the Nyack College *Faculty Handbook*, the investigating committee finds that the notice given to her was two and one-half months late under Association-supported standards and thus inappropriately brief.

Reasons for the Notice

Immediately after receiving the notice of nonrenewal, Professor Hagen requested an explanation for the decision of the board of trustees. Dr. Nanfelt, chair of the board, declined to provide the requested explanation, and the administration of Nyack College, in its correspondence with the Association's staff, reiterated the board's position. In his letter of March 3 to Professor Hagen denying her request for an explanation of the board's decision, Dr. Nanfelt stated that the college's *Faculty Handbook* provides “that a reason does not have to be given for not renewing a contract.” The handbook does not, however, proscribe advising a faculty member of the reasons for a nonrenewal decision, and, indeed, in a paragraph not formally endorsed by the board of trustees but nevertheless appearing in the publication, it calls upon the board to provide a “reasonable explanation” pursuant to a faculty recommendation on matters of faculty status. The paragraph states:

Since the question of faculty status and related matters (including appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and issues of discipline and dismissal) are areas of joint responsibility of the faculty, administration, and Board of Trustees, the faculty, through appropriate governance channels, should make recommendations concerning these matters to the administration and Board of Trustees. These recommendations should not be rejected without consultation and reasonable explanation.

Under the Association's applicable standards, set forth in its 1971 *Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments*, reasons are to be provided upon request, first orally and then confirmed in writing, to the faculty member who has been notified of a nonrenewal decision. The investigating committee finds that the failure of the board of trustees to provide Professor Hagen with an explanation for its decision denied her this Association-recommended safeguard of academic due process.

Hearings

As has been recounted earlier in this report, the Nyack College *Faculty Handbook* states that “any member of the faculty who feels that academic freedom has been violated by the administration shall be given the opportunity to state such a case before the Faculty Affairs Committee.” The Association's *Statement on Procedural Standards* provides that, if a faculty member alleges that a decision against reappointment was based significantly on considerations violative of academic freedom, the matter will be considered by a duly-constituted faculty committee under procedures set forth in Regulation 10 of the Association's *Recommended Institutional Regulations on Academic Freedom and Tenure*. Regulation

10 further provides that, if the faculty member succeeds in establishing a *prima facie* case, "it is incumbent upon those who made the decision against reappointment to come forward with evidence in support of their decision."

Professor Hagen sought to appeal the decision to deny her reappointment, alleging violations of academic freedom. Her request was rejected on grounds that no appeal was possible against a decision of the board of trustees. Unless, however, a nontenured faculty member is afforded an opportunity to prove that the nonrenewal of her appointment violates her academic freedom, and unless the board of trustees of the college has a corresponding obligation to explain its action, the academic freedom assured to nontenured faculty members in a college's stated policies and in the 1940 *Statement of Principles on Academic Freedom and Tenure* has little meaning. The investigating committee finds that Professor Hagen, in having been denied an opportunity for appeal, was also denied this Association-recommended safeguard of academic due process.

Academic Freedom

The Nyack College *Faculty Handbook* states that faculty members, as long as they "remain within the accepted confessional basis of the institution and the Christian and Missionary Alliance," are assured academic freedom, including freedom in the classroom and the "freedom to express and act upon convictions as an individual citizen." The 1940 *Statement of Principles*, jointly authored by the AAUP and the Association of American Colleges and Universities, declares that academic freedom should be enjoyed by all teachers, but that "limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment." Faculty members at Nyack College sign a contract in which they affirm their acceptance without reservation of the institution's statement of faith, which is attached to the document. Professor Hagen did so when, in April 1992, she signed her contract for the 1992–93 academic year. The statement of faith sets forth the tenets of the Christian and Missionary Alliance—for example, "The church consists of all those who believe in the Lord Jesus Christ, are redeemed through His blood, and are born of the Holy Spirit"—but does not speak directly to issues of sexuality. The college's position on homosexuality, quoted earlier, is enunciated in the college's *Student Handbook*, which sets forth policies to which all faculty members are expected to subscribe.

The board of trustees gave Professor Hagen no reason for its decision not to renew her appointment. Available evidence and testimony, however, leave the investigating committee convinced that the nonrenewal of Professor Hagen's appointment resulted from the controversies in which she was involved in November 1992. The controversies dealt with a number of issues—Professor Hagen's membership in the ACLU, her association with liberal positions, her criticism of the Christian Coalition, her remarks to

a student in her class—but the available evidence indicates that the main criticisms of Professor Hagen focused on her alleged statements about homosexuality and, especially, her having affixed to her briefcase a button with the words, "Support Gay Rights," printed on it. In her meeting with President Boda on November 25, she was told that several members of the board of trustees were concerned about her views regarding homosexuality and he had suggested that she write a statement explaining her position. Professor Hagen simply restated her support for the college's official policies on homosexuality, which President Boda forwarded to the board. During the college's chapel service on December 8, the president, referring to Professor Hagen's statement to the board of trustees and to the concern about the button, averred that there was no basis for the criticism of Professor Hagen. He recommended to the board at its meeting in February 1993 that Professor Hagen's appointment be renewed, a recommendation which the board did not follow. According to testimony received by the investigating committee while in Nyack, a member of the board of trustees, Dr. Woodford Stemple, when asked by Nyack College students at a meeting in April 1993 whether Professor Hagen's display of the button was a reason for her nonreappointment, replied in the affirmative. Dr. Stemple, interviewed later by the chair of the investigating committee, reiterated that the "Support Gay Rights" button was the focus of the board's concern; according to Dr. Stemple, the button was the main issue discussed by the board with respect to Professor Hagen.

Professor Hagen explained to President Boda that the button reflected her concern about violence against homosexuals. She believed, as did President Boda, that her statement to the board of trustees reaffirming her commitment to the college's policy on homosexuality should have allayed worry among board members that she intended anything else by the display of the button. As to whether Professor Hagen's expressed support for the college policy was sincere, the only suggestion to the contrary might be found in a remark attributed to Acting President Ruegsegger in the March 16, 1993, issue of the *Rockland Journal-News*, in a story entitled, "Teacher: Gay rights button led to ouster":

"The statement we have as an institution does not endorse homosexuality as a lifestyle," said Ronald Ruegsegger..., who was not convinced by Hagen's contention that she supported the school's code of conduct. "If I had a bumper sticker on my car that says I intend to vote for Clinton and Gore, I think it's very difficult to explain that I really intend to vote for Bush," Ruegsegger said.

The investigating committee, however, is unaware of any evidence supportive of Dr. Ruegsegger's suggestion that Professor Hagen's statement regarding homosexuality was not genuine, and thus that her professed commitment to the college's policy was other than what she stated it to be.

Moreover, Trustee Stemple, when interviewed by the chair of

the investigating committee, indicated that the board's concern was not with the sincerity of Professor Hagen's stated position but rather with the message that her display of the button conveyed to others. According to Trustee Stemple, it was the board's view that Professor Hagen demonstrated poor judgment in displaying a message that, notwithstanding what she intended by the button, could be interpreted by others as supporting a position contrary to the college's educational and religious aims.

Faculty members at Nyack College exercise academic freedom "within the accepted confessional basis of the institution and the Christian and Missionary Alliance," and thus function with limitations on their freedom of expression that, were it not for the religious aims of the college, would be unacceptable under general principles of academic freedom.

The handbook provides no guidance as to how a faculty member at Nyack College may, on the one hand, "remain within the accepted confessional basis of the institution" and, on the other hand, exercise academic freedom. But while Professor Hagen was provided no explicit statement of prohibitions that would later cause her so much trouble, it would be unrealistic or naive to assume that Professor Hagen was not aware of those limitations placed on her academic freedom as a faculty member at Nyack College. Her statement reaffirming her commitment to the college's policy on homosexual behavior is evidence that she accepted the right of the institution to establish limits on her academic freedom. Professor Hagen's case presents the issue of how far a church-related institution may go in implementing limitations on academic freedom without having specified the limitations and without effectively emptying academic freedom of its substantive content.

The members of the Nyack College board of trustees apparently did not question Professor Hagen's commitment to the doctrines of the institution. Instead, according to Trustee Stemple, the board of trustees rejected the recommended reappointment of Professor Hagen because of her poor judgment in not anticipating the reactions of others to the "Support Gay Rights" button. It should be noted that the president of the college reached the opposite conclusion about retaining Professor Hagen, essentially on the basis of the same evidence. One may thus infer that there is room for reasonable people to differ in their conclusions about Professor Hagen's display of the button.

Trustee Stemple also indicated to the chair of the investigating committee that the board of trustees reached its decision in the case of Professor Hagen against a background of other problems on the campus, which, had they not obtained, might have resulted in the board's taking a different action. The committee chair gained the impression that Trustee Stemple was referring to changes initiated by President Boda and Dean Mapstone in the college's educational and faculty programs, to the board's removal of President Boda from his position at the same meeting in which it acted on Professor Hagen's case, and to tensions on the campus resulting from the increasing ethnic diversification of the student

body. When academic decisions are made against the background of such considerations, the academic freedom of the faculty can be severely affected, since the reasons for the denial of reappointment could conceivably be the accidents of pressures within the college community that have little to do with a faculty member's performance of her academic responsibilities. Requiring a faculty member, whose adherence to the doctrines of the institution is not at issue, to anticipate how others at any particular moment might interpret her conduct scarcely serves to encourage the exercise of academic freedom. The investigating committee finds any argument that Professor Hagen exceeded the stated limitations on academic freedom at Nyack College by her display of the button to be tenuous at best. However the stated limitations are to be construed, the investigating committee finds that the board of trustees, to the extent that it denied reappointment to Professor Hagen because of the button, acted in violation of her academic freedom.

The apparent view of the board of trustees that it may without procedural safeguards substitute its judgment for the college reappointment process also poses a danger to academic freedom as well as to sound academic government. The board made its decision to reject the recommended reappointment of Professor Hagen in February 1993, more than three months after she had removed the button from her briefcase and more than two months after the college president had stated publicly that there was no basis for any continuing criticism of her. If in February members of the board were still concerned that Professor Hagen's display of the button bespoke judgment so poor as to warrant the nonrenewal of her appointment, surely they could have conveyed their concerns to her and allowed her the opportunity to address them before taking action. The board did neither. The board's handling of Professor Hagen's case suggests that the board is susceptible to influence by those who wish to influence faculty appointment decisions, including those who wish to do so on improper grounds, thus worsening the climate for academic freedom at Nyack College.

Conclusions

1. The board of trustees of Nyack College acted in disregard of the Association's *Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments* by not providing Professor June S. Hagen with a requested explanation for its decision not to renew her appointment, and in not affording her the opportunity to appeal the decision to a body of her faculty peers. Notification of nonrenewal was late under the Association's *Standards for Notice of Nonreappointment*.

2. The board of trustees, to the extent that it denied reappointment to Professor Hagen because she had not adequately anticipated and appreciated how others might react to the "Support Gay Rights" button she had attached to her briefcase, acted against her for a reason violative of her academic freedom.

HARRY F. BOOTH (Religion)
Dickinson College, *Chair*

CHARLES W. SWAIN (Religion)
Florida State University

Investigating Committee

Committee A on Academic Freedom and Tenure has by vote authorized publication of this report in *Academe: Bulletin of the AAUP*.

ROBERT M. O'NEIL (Law), University of Virginia, *Chair*

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A. GORMAN (Law), University of Pennsylvania; MARY W. GRAY (Mathematics), American University; JEFFREY HALPERN (Anthropology), Rider University; THOMAS L. HASKELL (History), Rice University; BETSY LEVIN (Law), Georgetown University; IRWIN H. POLISHOOK (History), Herbert H. Lehman College, CUNY; LAWRENCE S. POSTON (English), University of Illinois at Chicago; JOAN WALLACH SCOTT (History), Institute for Advanced Study; ERNST BENJAMIN (Political Science), AAUP Washington Office, *ex officio*; JORDAN E. KURLAND (History and Russian), AAUP Washington Office, *ex officio*; LINDA RAY PRATT (English), University of Nebraska–Lincoln, *ex officio*; RALPH S. BROWN (Law), Yale University, *Consultant*; BERTRAM H. DAVIS (English), Florida State University, *Consultant*; JUDITH J. THOMPSON (Philosophy), Massachusetts Institute of Technology, *Consultant*; WALTER P. METZGER (History), Columbia University, *Senior Consultant*.