

6/5/09

## UNIVERSITY OF NEW HAVEN

The report of the investigating committee concerned action by a new dean of arts and sciences to terminate the services of a lecturer in the English department in her eighth yearly full-time non-tenure-track appointment after six years as a part-time instructor in the department. The dean acted against her at a time when her department chair and tenured colleagues evaluated her performance very favorably and recommended her promotion. The dean had dealt with a student complaint against the lecturer, learned of information in the dean's office about previous complaints, and concluded that she had shown a pattern of unnecessarily hostile behavior toward student complainants.

Possessing the authority under university policies to deny a non-tenure-track lecturer further appointment, the dean moved to release the lecturer from the faculty once her existing term of appointment expired. A faculty hearing body upheld, on all counts, grievances filed by the lecturer. The hearing body recommended her retention on a multiyear term of appointment, but the university president rejected its findings and recommendation.

The Association's investigating committee, addressing the issue of the dean's substituting his judgment for that of the lecturer and her faculty colleagues on her assessment of student academic performance, concluded that the dean's doing so was at odds with the principles of faculty authority in this area as set forth in Committee A's statement, *The Assignment of Course Grades and Student Appeals*. The investigating committee observed that the lecturer was entitled under the 1940 *Statement of Principles on Academic Freedom and Tenure*, because of the length of her service, to tenure's protections against involuntary termination. Finding that she was not afforded those protections, the investigating committee concluded that the University of New Haven administration in dismissing her acted in disregard of the 1940 *Statement of Principles* and the complementary 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings*. The Association's 2008 annual meeting imposed censure.

The lecturer, who had initiated litigation, informed the Association this past November of a satisfactory settlement of her case. The Association's staff then invited the University of New Haven president, with the issue of redress resolved, to consider

changes in university practices and policies that could lead to removing the censure. Following discussion of potential changes with the university provost, the staff provided two specific proposals. The *first* called for guidelines, to be formulated jointly by the dean of arts and sciences and the chair of the English department, on the respective roles of the dean's office and the department in responding to student complaints. The result has been a set of procedures, approved by the dean and the department chair in May, that should preclude any future controversy of the kind that occurred in the case on which the censure was based. The *second* proposal from the staff called for revised policy that would provide full-time non-tenure-track faculty members after seven years of service with the protections against involuntary nonretention that accrue with faculty tenure. The result has been a new policy document, approved in May by the administration and the key faculty committee, that provides senior non-tenure-track faculty members notified of nonretention with opportunity for an adjudicative hearing of record before an elected faculty body.

The elected chairs of the three major faculty committees at the university have indicated their support of censure removal, as have the two University of New Haven AAUP members who have represented their fellow members at meetings of the Connecticut AAUP conference. The president and the executive director of the conference have also endorsed removing the censure.

Committee A recommends to the Ninety-fifth Annual Meeting that the University of New Haven be removed from the Association's list of censured administrations.