The Conduct of Business at the Annual Meeting

Annual Meetings in recent years have received a number of important proposals from the floor relating to the internal organization and activities of the Association. In order to permit full and careful consideration by the Association, the Council in 1965 adopted a procedural rule governing the receipt of proposed business and recommendations to the 1966 Annual Meeting additional rules of procedure. That Annual Meeting adopted the Council recommendations which will again be followed, in the area noted, at the Fifty-fifth Annual Meeting.

These procedures are as follows:

I. Proposals by members, chapters, or conferences relating to internal organization and activities of the Association intended for submission to the Annual Meeting may be filed with the General Secretary at any time prior to March 15. Copies of proposals are to be distributed by that date to chapters and conference, and to those standing committees of the Association that are concerned with the topics involved.

II. Provision is made for an Agenda Committee, to be composed of three members of whom one will be a member of the Council and one will be a Vice-President of the Association, both to be chosen by the President, and one will be the Chairman of the Assembly of State and Regional Conferences or his deputy. The Committee's function will be (1) to facilitate the orderly consideration of proposals relating to internal organization and activities of the Association; and (2) to make an equitable apportionment of available time for discussion and vote on the floor. The Agenda Committee will assign priorities on the agenda of the Annual Meeting in the order in which proposals have been filed with the General Secretary, except that proposals on nearly related subjects may be listed consecu- tively. Any other proposal concerning the internal organization or activities of the Association can be brought to the floor (1) if it deals with a subject that has arisen too recently for the proposal to be presented within the time limit stated in paragraph I, or (2) if one member of the Agenda Committee considers that the proposal should be considered by the Annual Meeting, or (3) if the Annual Meeting by a majority votes to en- tertain the proposal.

III. As to the ordering of business, the first person to be recognized by the presiding officer will be the maker of the proposal and the second person will be the chair- man or other spokesman of any committee to which the proposal has been referred. Thereafter the presiding officer will recognize as many persons as time permits, with consideration to the extent possible for speakers on different sides of the question.

The above procedures relate only to those resolutions or motions that fall within Article VI, sec. I (4) of the Constitution of the Association, which authorizes the Annual Meeting "to propose action which, upon concurrence by the Council, shall become the action of the Association." No action is effected in procedures under Article VI, sec. I (5) of the Constitution, which gives authority to the Annual Meeting "to express its views on professional matters." Pursuant to this provision the President appoints a Resolutions Committee to receive and forma- late resolutions for submission to the Annual Meeting on subjects of general interest to the academic profession and the public.

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

Sanford H. Kadish (Law), University of California, Berkeley, Chairman.

Members: Richard P. Adams (English), Tulane University; Clark Byrne (Law), Harvard University; Bertram H. Davis (English), Washington Office, en officio; David Fell- man (Philosophy), Middlebury College; William P. Fidler (English), Washington Office; C. William Hey- wood (History), Cornell College; William J. Kilgore (Philosophy), Haywood University; Walter P. Metzger (His- tory), Columbia University; C. Dallas Sands (Law), University of Alabama; Jerome L. Rosenberg (Chemis- try), University of Pittsburgh; Victoria Schafer (Political Science), North Carolina College; Winton U. Selberg (History), University of Illinois.

Academic Freedom and Tenure: Bloomburg State College (Pennsylvania)

I. Introduction

Bloomburg, Pennsylvania, is situated on the Susque- hanna River between Harrisburg and Wilkes-Barre. There, in 1899, was founded a small private academy, which in 1946 was chartered and incorporated as the Bloomburg Literary Institute. Escaped from uncertain fortunes by the State Superintendent of Public Instruc- tion, the Institute in 1949 undertook to train teachers for the Commonwealth and became in consequence the Bloomburg Literary Institute and State Normal School. In 1916, the Commonwealth purchased the Institute; fully devoted to the training of teachers, it lost its titular claims to literature and became the Bloomburg State Normal School. In 1927, it became Bloomburg State Teachers College, and in 1960, it was transformed again into Bloomburg State College. It was accredited initially in 1950 by the Middle States Association of Colleges and Secondary Schools.

The last change of name was a recognition of two dec- ades of expansion and a portent of more fundamental changes to come. Like its sister states to the north and east, the Commonwealth of Pennsylvania was able for many years to rely on an excellent private college and university system. However, the demands of recent times have led to the expansion of state facilities. To these ex- tect, the public universities (chief among them the Uni- versity of Pennsylvania) have been subsidized. Two new "state-related" institutions—Temple University and the University of Pittsburgh—have joined the Pennsylvania State University, long in that status. A rapid expansion of public community colleges has taken place. But central to plans for expanding undergraduate education in Pennsyl- vania are the 15 state colleges and the Indiana University of Pennsylvania, all former teachers colleges and all owned and operated directly by the Commonwealth. Al- though a proposed master plan for the state foresees the creation of a commissioner of higher education and a sin- gle board of trustees for all the state colleges, at present each college has its own board of trustees, answerable, with the president, directly to the Superintendent of Pub- lic Instruction. Coordination among the state colleges is now largely provided by the Board of State College Presi- dents.

The senior member of that board is Dr. Harvey A. An- drus, President of Bloomburg State College since 1959, for two years before that Dean of Instruction, and still earlier director of the program in business education, whom he had organized. Dr. Andrus has presided over the expansion of the College from a few hundred students to more than three thousand and from a faculty of a few dozen to one of nearly two hundred. The educational ho- rizon of the College has expanded too: once an institution concerned solely with the training of teachers and informed by the spirit of the schoolroom and the super-intendent's office, Bloomburg State College is acquir- ing some of the characteristics of a liberal arts college, with a master's program in education, and with a faculty not so heavily drawn as was once the case from the public schools and the state college system. Growth in numbers and purpose has dictated structural changes. Ten years ago, the President governed the College directly and auto- matically; in the policy-making College Council he was joined by the Dean of Instruction and the three division heads. In 1959, department heads were the first time and have since subdivided, and in the past two years a hierarchy of standing committees has been created. The Dean of Instruction has acquired far more responsibilities. The administrative effect of these innovations has been in general to regularize procedures, to decentralize the mak- ing of decisions, and so to put cerulean practical limits to the President's accustomed free exercise of authority over the College, its faculty, and its students. Some con- fusion—of roles, of purpose, and of methods—is an in- evitable price of this relatively rapid evolution.

1 The text of this report was written in the first instance by the members of the investigating committee. In accordance with Association practice, the text has been sent to the Association's Committee A on Academic Freedom and Tenure, to the President, and to others personally concerned in the re- port. In the light of the suggestions received, and with the additional assistance of the Association's Washington Office staff, the report has been revised for publication.

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The Bloomsburg faculty has no official corporate existence, but the Faculty Association, technically an informal voluntary body, serves a role for general faculty meetings and for expression of faculty opinion. During the period when we, cooperation was close and effective between the Faculty Association and the Blooms- burg chapter of the American Association of University Professors. The AAUP chapter is, however, new; it was founded in 1965 and has, at least until recently, had to contend with signs of official disapproval. That the two organizations meshed and performed so well in the case about which we are writing is a good example of growing awareness and broadening sense of academic professionalism among the Bloomsburg faculty, perhaps the most important and encouraging manifestation of change.

II. The Case of Dr. Barbara Shackley

Mrs. Barbara Jean Shackley, the wife of a retired naval officer, did her undergraduate work (as President And- drus) at the University of Oklahoma, took the M.A. de- gree in political science and economics at the University of Utah, and obtained the Ph.D. degree in political science in 1958 by the University of Pennsylvania. Having taught at schools connected with military installations in Guan, an extension division of Pennsylvania State University, at Temple University, and at West Chester State College, in 1958 she joined the Bloomsburg faculty. She was elected to the rank of temporary instructor in social studies, as an assistant professor, and in 1965 she was promoted to associate professor. She had be- gun by teaching philosophy but soon came to concentrate on her teaching in political science, giving courses in American government and political theory.

There was at the time no system of tenure at Blooms- burg State College. In 1959, the Board of State College Presidents was awarded the Public Policy governing ap- pointment and dismissal, which immediately brought up the question of "continuous employment," possible after a probationary period of three years and required after five years of service for persons dismissed while in such a system. The Board of State Presidents stated that in the case of persons dismissed while in such a system, the Board of State Presidents would not be held liable for their action by signed contract in the form of a 'Continuous Employment,' the plan foresaw a two-stage appeal system—a hearing before the institution's Board of Trustees, and review of the decision before the State Superintendent of Public Instruction. The Board of Trustees of Blooms- burg State College refused to act on the proposal unless the Faculty Association should raise the question, and, while the Faculty Association gave its approval, no progress was made while the matter was relatively fresh, and it lay dor- mant until March, 1966.

When Professor Shackley entered her eighth year of service in 1964, she had been a member of the faculty for seven years. The history department had been separated from the department of social science. Dr. John J. Serff, who had been head of the history department, became head of the department, and Dr. William L. Carlough, who taught philosophy, became head of the department of social science, comprising the disciplines of philosophy, economics, sociology, and political science. On the last day of regulations, Professor Shackley had, as we have seen, no institutional guarantee of continuous appointment. Still, she felt confident that she should have a permanent appoin- tment to the rank of full professor, which, as she, in a letter to tie Association's Washington Office, "felt certain that the accumulated years of service and the quality of her teaching, administrative ability, and the like, would make her a credit to the institution." She was not the only one to say what were the grounds of that confidence, for no official prom- ise or intention was made to her. In any event, she and her husband quickly began to build a house, a decision known to President Andrus. At any cost, the Board of the bank that granted the mortgage. Early in January, 1966, letters, a decision known to President Andrus. At any cost, the Board of the bank that granted the mortgage. Early in January, 1966, letters, of intent to offer employment for the coming academic year, at a salary of $9,000, were sent out. Dr. Shackley did not receive such a letter. Instead, on January 31, she received a letter—described as a "warning"—from Dean John A. Hoeh and Dr. Car- lough. Specifically referring from questioning Dr. Shack- ley's competence in her field, indeed condemning her experience and abilities, they called in question her rela- tionships with students during the past semester, in partic- ular her alleged failure to make clear the nature of assign- ments, the date on which work was due, and the basis of grading; and her alleged open heretage of students for criticizing or raising questions about their grades. These complaints appeared without cause. In the first place, the papers were placed in her mailbox, pronounced by her to be late, and given the grade of D; the nine-weeks grades were assigned accordingly. She was quoted from her students, Dr. Carlough asked Dr. Shackley to consider a revision of the grades because of what appeared to be a "clear misunderstanding of requirements. The "warning" in January expressed hope for improvement; it contained no hint that she might not be reappointed.

On February 15, Dean Hoeh's office, attended by Professors Shackley and Carlough and by a student and her mother, who had complained about a low grade given to the daughter by Dr. Shackley. Dean Hoeh had not known of Professor Shackley's attendance to explain the grade, but the conversation bogged down in a confusion of cross-pressures and ended with Dr. Shackley's precipitate departure. She wrote to him a few days later that she thought she had been dismayed from the meeting and because she had to be at an afternoon assembly that was about to start, but it was not clear from her letter that she felt her presence because she lost her temper and marched out, slamming the door behind her. The next day, Dean Hoeh addressed a memorandum to Dr. Serff, the chairman of the history department, of a lack of common courtesy and assuring her that administrative action would be taken. On February 28, he wrote again to Professor Shackley, informing her that he had led him and Dr. Carlough to the conclusion that her services were "less than satisfactory" and that her re- appointment could not be recommended. Early in March, Professor Shackley wrote to the Associa- tion's Washington Office for advice and assistance. Early in April, after some requisite information had been gath- ered, the General Secretary of the Association wrote to Dr. Shackley, expressing the opinion that Professor Shackley had served beyond the maximum probationary period set forth in the 1949 State- ment of Faculty Quorum, an interpretation which was confirmed by the Board of Trustees. In reply, the Association submitted the claim that the Board had been aware of the precarious financial situation of the university and that the Board of Trustees, through a policy of laying off faculty members, had been taken up with the problem of cutting down on faculty positions. Any chance that the case might have been quietly resolved intraguild were there to have been some possibilities in that direction was de- stroyed by the appearance of an article in the Philadelphia Evening Bulletin of May 9, 1966. To the effect that Professor Shackley had been fired for failure to grade, as the results of the Carlough, from D to A; the article contained many quotations from let- ters and conversations and included an account of the meeting of February 23. Dr. Shackley indignantly denied the newspaper's statement that she was the source of the story and subsequently alleged that the story was "planted" by the newspaper, and not written by her. Upon the appearance of the newspaper article, Dr. Shackley telephoned the Washington Office to express concern over its appearance and to protest these misrepresentations. The "warning" in January expressed hope for improvement; it contained no hint that she might not be reappointed.

In May, after lengthy correspondence, both in writing and phone, and after a meeting, the Association received the letter from Dr. Shackley, which reads: "I was specially informed that the Board of Trustees, on December 13, 1967, as regulating covering questions of aca- demic freedom and tenure were in the process of formalizing, the Board is prepared to file a complaint in the outgoing year at a private college in western Pennsyl- vania.)" Dean Hoeh maintained that the confrontation of February 23 was only the "last straw" in a series of inci- dent involving Dr. Shackley. President Andrus, insisting on his legal right to determine annually who would be re- appointed and discharged, stated that he could only come to the conclusion that he could no longer recommend in favor of Dr. Shackley. President Andrus was willing, however, to support her in other ways. He suggested that complicated legal procedures be taken to determine the rights and wrongs in the case. The Association, under President Andrus, had investigated the case. The investigation committee met March 21 and 22, 1968, at Bloomsburg State College, inter- viewing the principals, a group of trustees, and the hearing committee. The investigation committee had ex- amined the transcript of the hearing and volunteered recom- mendation provided by the College. Dr. Shackley, and

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The Bloomburg faculty has no official corporate existence, but the Faculty Association, technically an independent non-profit body, has been the focal point for the academic and professional concerns of the faculty members and for expression of faculty opinion. During the early phases of the Faculty Association, the Bloomburg chapter of the American Association of University Professionals, the AAUP chapter is, however, new; it was founded only in 1968 and at least until recently was without the formal charter that the two organizations merged and performed so well in the case of their being petitioned to testify to the growing self-awareness and self-confidence of the initiative in the Bloomburg faculty, perhaps the most important and encouraging manifestation of change.

II. The Case of Dr. Barbara Shockley

Mrs. Barbara Jean Shockley, the wife of a retired naval officer, did her undergraduate work (like President Andrus) at the University of Oklahoma, took the M.A. degree in political science and economics at the University of Utah, and was awarded the Ph.D. degree in political science in 1960 by the University of Pennsylvania. Having taught at schools connected with military installations in Guam, at an extension division of Pennsylvania State University, at Temple University, and at West Chester State College, in 1958 she joined the Bloomburg faculty. She was appointed to the rank of instructor in social sciences in 1955; in 1958 she was first promoted to associate professor. Her research was on the subject of public school or state college experience as a precondition of a regular appointment. In 1958, Dr. Shockley was made an assistant professor, and in 1960 she was promoted to associate professor. She had been teaching philosophy, became head of the department of social science, comprising the disciplines of philosophy, economics, and sociology. As President Andrus, of regulations, Professor Shockley had, as we have seen, no institutional guarantee of continuous appointment. Still, she showed a strong desire to support the claim to the rank of full professor, which, as she said in a letter to the Association's Washington Office, "beckoned like a shining beacon to an appropriate hearing; there were the grounds of that confidence, for no official pronouncement or intimation was made to her. In any event, she and her husband purchased land and began to build a house, a change for which she was told that she was the senior of the professionals and preachers of the Association and that she had apparently been tendered notice of termination of services without being given stated cause or protection of tenure. She had only to urge her reinstatement and recognition as an esteemed member of the faculty. The President answered that Bloomburg College did not subscribe to the principles of the AAUP and that she was told that the microfilm for the hearing committee could be drawn. The panel was elected in December and much of the winter and spring was taken up with the working of a committee of experts. It was not until mid-March of 1967 that three charges against Dr. Shockley were presented by the administration, charges that, if true, would lead to the termination of the Washington Office, were returned as seriously lacking in specificity. A list of particulars was produced, possibly dates for the events could be added. If the hearing was finally held on June 1, 1967. Not until the first day of the hearing did the administration supply documentation for its case. Dr. Shockley was only represented by Professor Henry S. Alksnis at Pennsylvania State University as academic counsel, and an AAUP observer was present. The report of the committee dated August 1967, recommended against reinstating Dr. Shockley, but it rejected a number of the administration's charges as irrelevant or insubstantial, and it highlighted the way in which the termination of Dr. Shockley's services had been handled by the administration. The committee recommended payment of appropriate compensation to Dr. Shockley and called for prompt adoption of institutional regulations reflecting acceptable standards of academic freedom, tenure, and due process. President Andrus urged that major changes be made in the report, but the committee stood in its ground and the report was presented to the Academic Council on September 15, 1967. As regulations covering questions of academic freedom and tenure were by then in the process of formulation, the recommendations of the committee was compensation. The committee's request for compensation was made when no services were rendered was referred to the Faculty Association. The recommendation was accepted, and the compensation was paid. In the expectation of this reply, and aware that nearly two years had elapsed since the original action against Professor Shockley, the American Association of University Professionals had already authorized the appointment of an ad hoc committee to investigate the case. The undersigned committee spent March 21 and 22, 1968, at Bloomburg State College, interviewing the principals, a group of trustees, members of the hearing committee, and nonmembers of the Bloomburg faculty. The investigating committee had examined the transcript of the hearing and voluminous documents submitted by the College, Dr. Shockley, and
III. The Issues and Findings

1. Tenure and Notice. Under the regulations of Bloomburg State College at the time that Dr. Shockley had a reputation for emeritus status, and, in agreeing to the hearing, President Andreas specifically rejected any implication in the concession of a position to Dr.Shockley. However, Dr. Shockley was being treated as a member of the faculty. Still, whatever the regulations at Bloomburg State College and despite President Andreas’s reluctance, Professor Shockley, having served more than seven years in a full-time capacity, had become a tenured member of the Bloomburg faculty within the terms of the 1940 Statement of Principles on Academic Freedom and Tenure. The investigating committee had judged the hearing and reached findings on that assumption. At the same time, a hearing of such duration, and in the course of the 1940 Statement calling for at least a year’s notice for pro-

2. The Hearing. An assessment of the hearing and the closely related question of the justification of Dr. Shock-

3. In spite of earlier warnings, Dr. Shockley permitted her professional contacts with students to sharply deteriorate during the first semester of the college year 1955-1966.

On being asked for more specific charges, Dr. Rehcopxls

4. General area of testing.

5. Failure to account for grades.

6. Unsound criteria of faculty and administrative efforts.

7. Professional contacts with students.

the Washington Office. The committee was received cor-

dially in Bloomburg and is grateful for the cender with which most of its questions were answered. Some conflicts of information among those who were interviewed, due in the view of the committee to genuine differences in memory of events.

be confused about the process of her services, urged that some means be found to meet the problem of notice, such as appointing Dr. Shockley to a research position or in a post in the library; and, in conversation with the investigating committee, Dr. Dean Hoch expressed his willingness to try to implement a solution that might serve.

A. Her relations with students, colleagues, and administrative officers were inconsistent with the professional stand-

B. Her erratic and inconsistent department had a detri-

C. In spite of earlier warnings, Dr. Shockley permitted her professional contacts with students to sharply deteriorate during the first semester of the college year 1955-1966.

On being asked for more specific charges, Dean Rehcopxls re-

5. Allegedly instigating the newspaper report of May, 1966, already noted, of her being fired for refusing

6. Exercising pressure to raise a grade earned by a student in a business education course.

7. Allegedly instigating the newspaper report of May, 1966, already noted, of her being fired for refusing

8. A remark of an evaluator for the Department of Public Instruction to the effect that, if a test by Dr. Shockley had been given by one of his teachers, "he would fire him.

The charges as submitted in May by the administration were wretchedly drawn—in language and organization, in their casual and extensive chronology, and in their min-
ging of the salient fact. The committee found the relevant and inde-

4. General area of testing.

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Two points call for comment in this connection. The recommendation of the hearing committee was for six months’ salary, a proposal accounted for by the fact that Bloomsburg State College pays its faculty on a nine months’ basis. Deducting the three months remaining of the academic year 1965-66 after formal notice of termina-

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the Washington Office. The committee was received cordially in Bloomington and is grateful for the candor with which it was answered. Some conflict of recollection exists among those who were interviewed, due in the view of the committee to genuine differences in memory of events.

III. The Issue and Findings

1. Tenure and Necessity. Under the regulations of the Bloomington faculty, Dr. Shockley was notified of nonreappointment. He did not have tenure, and, in agreeing to the hearing, President Andrus specifically pointed out that the committee's function was hearing that Dr. Shockley was being treated as a tenured member of the faculty. Still whatever the regulations at the Bloomington State College and despite President Andrus's disclaimers, Professor Shockley, having served more than seven years in a full-time capacity, had become a tenured member of the Bloomington faculty within the sense of the 1940 Statement of Principles on Academic Freedom and Tenure. The investigating committee had judged the hearing procedure inadequate to that situation. At the same time, note should be taken of the provision in the 1940 Statement calling for at least a year's notice for probationers not to be continued in service after the expiration of the probationary period. Thus, even if the Bloomington administration's construction of Dr. Shockley's status were to be accepted, the treatment in being according to the administration's standards would be in violation of the standards of the 1940 Statement and she deserves to be compensated accordingly.

Two points call for comment in this connection. The recommendation of the hearing committee was for six months' salary, a proposal accounted for by the fact that the Bloomington State College pays its faculty on a nine months' basis. Deducting the three months remaining of the academic year 1965-66 after formal notice of termination of services, the hearing committee constructed six months' compensation as sufficient. Had Dr. Shockley not been in possession of another position for the subsequent year, the investigating committee might have taken a narrower view of this recommendation, for the year's notice is not an arbitrary period but one calculated to allow the faculty member sufficient opportunity to find another post. Had Dr. Shockley found another post, her income would have been cut off in mid-year. However, as there was no break in Dr. Shockley's employment, the six months' salary cannot be regarded as a compensation of the type that would have no bearing on the injustice done her by the inadequacy of notice. The investigating committee views this recommendation for compensation as sufficient if not generous provision to that end.

The second point concerns the regulation of the Commonwealth of Pennsylvania against payment when services are not rendered. It is important to believe that some way of meeting the hearing committee's firm recommendation was not discovered and dassuming that finding appears to assume a rather high standard of evidence that she be replaced as the faculty adviser because of difficulties in working with her.

b. Unacceptable behavior at a convention in late March.

3. (Organizational actions within and without the College)

a. After a Negro student raised questions about grading, remarcking in classes that the NAACP might try to get her reinstated. Professor Shockley was notified.

b. Prior to 1962, having her students use the county law library, and in conversation with the investigating committee, Dean Hoch expressed his willingness to try to implement a such a shift in the college's library.

2. The Hearing. An assessment of the hearing and the closely related question of the justfication of Dr. Shockley's disallowance of her discrimination can only be understood against the background of the publication in this issue of a letter that was obtained in a letter from Dean Hoch to Professor John A. Eason, the chairman of the hearing committee, dated March 17, 1967, as follows:

A. Her relations with students, colleagues, and administrative officers were consistent with the professional standards expected of a member of the academic profession.
B. Her erratic and inconsistent department had a detrimental effect upon the educational program, especially at least as a member of the faculty of Bloomington State College;
C. In spite of earlier warnings, Dr. Shockley permitted her professional behavior to reach an unfitness.

D. On being asked for more specific charges, Dean Hoch replied on May 5, 1967, with a very long and unstructured set of particulars. The hearing committee regretted the detailed charges into more cohesive form. A summary of these charges as reworked by the hearing committee follows:

(1) General Area of Testing

a. Refused to permit certain students to see their final examination because, he said (incorrectly), "they were shining in Hartford.

b. Failure to account for grades

a. Complaints by students during 1965-66 that they could not determine a satisfactory account of how their grades were determined.

b. The incident of the grade of D given to approximately one-half of a class for allegedly grading too leniently.

c. The confrontation, previously noted, in Dean Hoch's letter during the hearing.

d. Conversations with students indicating a repeated lack of clarity in making assignments and unwillingly to ask questions and to receive help on their memoranda.

e. A protest by 37 students in late May, 1966, against a demand by Dr. Shockley that they sign a sheet headed "Criteria for Grading" before leaving the class.

(2) Unfair treatment of faculty and administrative officers

a. In 1965, criticizing one of her colleagues in front of both the academic and nonacademic committees.

b. Criticizing the manager of the College Book Store over the registration of students.

c. Criticizing the Dean of Instruction actually during a conference in 1962.

(3) Professional relationships with students

a. At about the time of the receipt of the letter announcing termination of her services, a request from the service, the committee was interested in bringing a change that she be replaced as the class adviser because of difficulties in working with her.

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more so as its sense of responsibility appears to have been very high and its discrimination in a difficult situation quite fine. The findings of the committee are that the members of the committee are not likely to have been affected adversely by the fact that none of them had tenure and were therefore free to speak out. The committee notes that it is not unusual for these faculty members in dealing with the administration's case and subsequent interventions is convincing proof to the contrary. There do not appear to be any significant elements relating to the proceedings which would suggest need for the investigating committee to arrive at an indepen- dent judgment on the hearing and appeal. However, two further points about the hearing should be made.

The hearing committee made a strong plea for swift action by the administration and faculty to provide stated principles and procedures for appointments, reappoint- ment, and promotion in rank that would accord with the best academic practices, as recognized by the American Association of University Professors and of particular relevance in this case, the Association of Pennsylvania State College and University Faculties. In an addendum to its report, the committee made a number of criticisms of the current policy of "continuous employment" which was adopted for a period of one year by the Board of Trustees on July 28, 1969, as insufficient in that it had not been a mutual effort of faculty and administration (despite its being described as such in the document), that it did not meet the criteria of good faith outlined in the APSUCF and that the faculty as large had not been notified of the change of policy. These expressions of opinion, in the na- ture of efforts, were fully supported by the faculty and the hearing committee. Had proper principles and procedures existed at Bloomsburg State College, the case of Dr. Shokey would never have arisen. It is to be hoped that the administra- tion of the hearing committee had to apply could be drawn only from the outside. It was the part of judicial states- manship to employ the opportunity to enforce on an administration which had long been indifferent to these basic concerns.

There remains the question of the attitude of President Andreas to the hearing. The delays in holding the hear- ing, though unfortunate, were perhaps in part excusable, given the incidents of leaves and the invariably difficult negotiations over agreements on rules and appointments, if his having acceded to the Association's recommendation that a hearing be held and his expressed initial approval of the President's earlier action in regard to the hearing committee was towards the hearing was most inappropriate. He refused to appear at the proceedings, thus depriving the committee of the opportunity to hear his views, a procedure that would have thrown considerable light on his puzzling succession of decisions to retain Dr. Shokey, to promote her, and then force her out.

When commenting on the text of this report prior to its presentation to the committee, she found it difficult to understand the nature of the hearing committee's arguments on the grounds that the evidence presented by the hearing was incomplete and un- substantiated and that she had not been allowed time to pre- pare an adequate defense.

The hearing committee was made up of five members of the faculty who had no knowledge of the case and therefore, in the opinion of the hearing committee, no conflict of interest. The committee was also given the right to call witnesses and to receive all evidence. The committee held its meetings in open session, and the proceedings were recorded.

Dr. Shokey was present at all hearings and she was given the opportunity to present her case and to cross-examine the witnesses. She was also given the opportunity to make a closing statement.

The hearing committee was divided on the issue of Dr. Shokey's continued employment. Some members of the committee believed that Dr. Shokey should be retained, while others believed that she should be dismissed.

The final decision of the hearing committee was to recommend that Dr. Shokey be retained. The committee noted that she had a long and successful career at Bloomsburg State College and that she had made significant contributions to the college and to the field of education.

The administration has accepted the recommendation of the hearing committee and Dr. Shokey has been retained as a member of the faculty.
more so as its sense of responsibility appears to have been very high and its discrimination in a difficult situation very commendable. Some members of the hearing committee are not likely to have been affected adversely by the fact that some of them had tenure and were theoretically responsible for the faculty members in dealing with the administration's case and subsequent interventions in convincing proof to the contrary. There do not appear to be any significant elements relating to the proceedings which would suggest need for the investigating committee to arrive at an inde- pendence of mind.

Two further points about the hearing should be made. The hearing committee made a strong plea for swift action by the administration and faculty to provide stated principles and procedures for appointments, reappointment, and promotion in rank that would accord with the best academic practice, as recognized by the American Association of University Professors and, of particular relev- ance in this case, the Association of Pennsylvania State College and University Faculties. In an addendum to its report, the investigating committee specifically criticized the policy of "continuous employment" which was adopted for a period of one year by the Board of Trustees on July 28, 1967, as insufficient in that it had not been a mutual effort of faculty and administration (despite its being de- scribed as such in the document), that it did not meet certain basic standards prescribed on the rules and by AUP, and that the faculty at large had not been notified of the change of policy. These expressions of opinion, in the na- ture of the general philosophy of continuous employment, are dis- cussed in the hearing committee's addendum, the latter emphasizing the need to have an adequate opportunity to enforce such policies.

There remains the question of the attitude of President Andrus to the hearing. The delay in holding the hear- ing, though unfortunate, were perhaps in part excusable, given the suddenness of the situation and the inevitable procedures involved in such a case. However, however--despite his having acceded to the Association's recommendation that a hearing be held and despite his expressed initial desire to move more rapidly--President Andrus' later attitude to- wards the hearing was most inappropriate. He refused to appear at the proceedings, thus depriving the committee of one of the most important witnesses. However, the committee's scathing denunciation of Dr. Andrus is not without warrant. The letter of January 21, 1968, is one of the few lessons that Dr. Andrus may have learned from this case. The letter of January 21, 1968, is one of the few lessons that Dr. Andrus may have learned from this case.

The decision to terminate Dr. Shackley's services. In its bill of particulars, the administration went through the eight years of its file on Dr. Shackley. The record of the hearing committee correctly decided to consider irrelevant those statements and allegations pertaining to events prior to Dr. Shackley's promotion to the rank of associate professor in the letter of February 26, 1966, which may be taken as defi- nitive notice of termination. Even with this proviso, there is a question as to when the hearing committee should have considered the letter of February 26, 1966, as well as its purported influence on the form of the hearing.

Dr. Shackley has been granted the right of appeal to the Board of Trustees, and this will be a possible means of redress for any injustice. However, the decision of the Board of Trustees will be final, and it is likely that such an appeal is the best judgment in the past from a feeling based in present reality; indeed, in talking to younger members of the faculty, there is a general impression that the issue is relatively small.

This decision also serves to buttress the unfor- tunate situation of the past. The administration's communication to Dr. Shackley, in June 1965 or 1966, might well have suggested the standards that would be in effect in other directions.
the faculty hearing of Dr. Shockley's case must have been both surprising and gratifying: there were, the investigating committee was told, clandestine thanks to the members of the hearing committee for "having stuck their necks out for the faculty". faculty interest in the government of the College appears to have fallen away when an open discussion of the present tenure document was arranged by the professors. In addition, the Committee on Faculty Appointments, only 15 faculty members appeared in addition to the 11 members of the Committee. This indication of faculty apathy can hardly be taken as a sign of prescient wisdom in the good old days.

The third development consists of the evolution of a document dealing with conditions of appointment and tenure in the College. This document, in local phrase, is "dead" and it requires more extended comment. In the spring of 1966, two drafts came before the Board of Trustees, one from a faculty committee, the other from the President. That from the faculty committee, written before the case of Dr. Shockley broke and based in part on the 1959 draft policy on faculty appointments, was rejected on the ground that it was too far beyond what a faculty committee is willing to address as a statement of the importance of tenure to academic freedom and in recognising the concurrent academic obligations of the faculty. Applicable to all full-time faculty members, it retained the three-to-five year probationary period and called for notice of nonreappointment in accordance with Association standards. By March 1 during the first year, by December 15 in the second year, and for a year's notice after the second year. In case of termination of services, a faculty member could appeal this commitment for a fee of $25. In the first instance to the President, then to a faculty appeals committee of three members—one appointed by the president, one by the faculty member, and one by the Executive Committee of the Faculty Association—and finally for a hearing before the Board of Trustees. The policy was to be retrospective.

The President's draft was a far more concrete document. It involved the limitations placed on the state college system by the state constitution, and the limitations placed on the state college system by the State College Presidents. It required that any change in a full-time faculty member's position during the probationary period be a shift of not more than 10 days. If the position was not 10 days, the notice of nonreappointment was to be given at the end of the academic year. Appeals for faculty members dismissed while on continuous appointment would not involve the faculty at all but would run in the first instance to the President and then to a hearing before the Board of Trustees. Continuous employment was not to be retroactive. Hardly surprisingly, the President's document was adopted, on July 28, 1967, by the Board of Trustees and made effective, with inexcusable illogic, for one academic year beginning July 1, 1967. This was the document criticized in the addendum to the hearing committee's report as not arrived at by mutual agreement and as deficient according to AAUP and ASPUC standards as regards notification and appeals.

On December 1, 1967, the new Professional Affairs Committee proposed a major revision of the document then temporarily in force. Aside from certain changes of language in the interest of clarity, the committee's principal contribution was its recognition that the academic freedom and notification of nonreappointment were to apply to instructors as well as to higher ranks; (2) Notice during the probationary period was to be at least 90 days in the first year, by December 15 in the second, and a full year in the third. (3) Appeals proceedings for faculty members dismissed while on continuous appointment would be handled as a preliminary consideration by the Professional Affairs Committee with a view to adjustment, if possible, or, in certain cases, formal hearing. In the latter case, after formal appeal to the President, ad hoc hearing committee would be elected by the faculty. At the hearing (as in all earlier proposals for hearing), the faculty member would be accompanied by an advisor, not legal counsel: a full stenographic record would be kept. The faculty member and his advisor would be present at the meeting of the Board of Trustees at which the report of the hearing committee would be presented. (As noted earlier, no recommendations were made about meeting the expenses of the hearing.) (4) Continuous employment was to be recognized in the case of all faculty members employed by the College on or before September 1, 1962.

After consultation with the Professional Affairs Committee, the Board of Trustees agreed to a new draft on February 14, 1968. In this draft, those holding the rank of instructor were included specifically in the guarantee of academic freedom but were excluded from the provisions concerning notice. Faculty members above the rank of instructor, the periods of notice were set as 90 days in the first year, by December 15 in the second, and by November 1 in the third, and by November 1 in the fourth. The Professional Affairs Committee, in its proposed draft to conduct a preliminary inquiry when a faculty member on continuous employment was dismissed, and special provisions were added to allow the Committee to make recommendations for suspension in case of charges of immoral or unreasona-

The ad hoc faculty hearing committee procedure was accepted by the Committee, but recommendations on the stenographic record; only minutes and a tape recording of evidence were required. (As indicated earlier, a provision to allow the sharing of costs between the College and the faculty was deleted.) The effective date of the policy was to be not earlier than September 1, 1968. Continuous employment would be defined as the employment of the same position for five years or more. If a change of position under one or more further rubrics—having been pro-

In Spring 1969, the institutional policy was changed as to include those with the rank of instructor under the same provisions for notice and for due process as exist for full-time faculty, tenured, however, remained ineligible for tenure.

Bloomfield. They fail to provide the principled guarantees of academic freedom that Bloomfield State College needs.

IV. Conclusions

1. The faculty hearing committee at Bloomfield State College, which recommended against Dr. Shockley's reinstatement and several criticized the manner in which Dr. Shockley's dismissal was conducted by the administration, exercised its responsibilities admirably in the face of numerous difficulties.

2. Notice of only three months to Dr. Shockley of the termination of her services, properly attacked by the faculty hearing committee, was in violation of the provision in the 1969 Statement of Principles on Academic Freedom and Tenure calling for at least a year of notice and was unconscionable under: accepted standards in American higher education.

3. The regulations on academic freedom and tenure currently in effect at Bloomfield State College represent an improvement over the almost totally unacceptable regulations of the past but fall distinctly short of accepted standards in regard to notice, due process, and general applicability.

R. K. Webb (History), Columbia University, Chairman
James C. Freeland (Law), The University of Pennsyl-

Virginia
John C. Hutchinsoc (Sociology), New York State College
Investigating Committee

Committee A on Academic Freedom and Tenure has submitted to the administration an overview of the past but fall distinctly short of accepted standards in regard to notice, due process, and general applicability.

Sanford H. Kalida (Law), University of California, Berkeley: Chairman
Richard L. Adams (English), Tulane University;
Clark Byer (Law), Harvard University; Berram H. Davis (English), Washington Office, ex officio; David Fellman (Political Science), University of Wisconsin; William P. Fidler (English), Washington Office; C. William Heywood (History), University of Minnesota; Gilbert C. (Philosophy), Baylor University; Walter P. Metzger (His-
story), University of Texas; C. Dallas Sanders (Law), University of Alabama; Jerome L. Rosenberg (Chemis-
ty), University of Pittsburgh; Victoria Schuck (Political Science), Mount Holyoke College; Winston U. Seligman (History), University of Illinois.
the faculty hearing of Dr. Shockley's case must have been both surprising and gratifying; there were, the investiga-
ting committee said, "the indications of nonresistance on the part of members of the hearing committee for "having stuck their necks out." However, now that the hearing is past, active faculty recognition in the government of the College appears to have waned away: when an open discussion of the pres-
tent's action was demanded by the Professional Affairs Committee, only 15 faculty members appeared in ad-
dition to the 11 members of the Committee. This indication of faculty apathy can hardly be taken as a sign of 
governmental support for the president.

The third development consists of the evolution of a document dealing with conditions of appointment and tenure ("continuing employment," in the local phrase), which requires more extended comment. In the spring of 1966, two drafts came before the Board of Trustees, one from a faculty committee, the other from the President. That from the faculty committee, written before the case of Dr. Shockley broke and based in part on the 1959 draft policy of the Board of State College Presidents, went well beyond that draft as a statement of the importance of ten-
ure to academic freedom and in recognizing the concur-
rent academic obligations of the faculty. Applicable to all full-time faculty members, it retained the three-to-five-year probationary period and called for notice of nonreap-
nointment in accordance with Association standards: by March 1 during the first year, by December 15 in the sec-
ond, and for a year's notice after the second. In case of termination of services of a faculty member on con-
sumptive employment, the draft called for an appeal notice to be placed as near the first instance to the president, then to a faculty ap-
peals committee of three members—one appointed by the Committee and two by the president—of the exec-
utive committee of the faculty association—finally for a hearing before the Board of Trustees. The policy was to be written by Dr. Shockley. The President's draft was a far more conservative docu-
ment. It invoked the limitations placed on the state col-
leges by the laws of the state, justified continued employ-
ment only in terms of giving greater economic security, and, while retaining the three-to-five-year probationary pe-
riod, drastically reduced the period of notice throughout the probationary period to 60 days at the end of the sec-
ond year. Appeals for faculty members dismissed while on continuous employment would not involve the faculty at all but would remain with the first instance to the president and then to a hearing before the Board of Trust-
ees. Continuous employment was not to be retroactive.

Happily, the President's document was adopted, on July 28, 1967, by the Board of Trustees and made effective, with inexplicable illogic, for one academic year beginning September 1, 1967. This was the docu-
ment criticized in the addendum to the hearing commit-
tee's report as not arrived at by mutual agreement and as deficient according to AAUP and APSCUF standards as regards notification and appeals.

On December 1, 1967, the new Professional Affairs Committee proposed a major revision of the document then temporarily in force. Aside from certain changes of

language in the interest of clarity, the committee's prin-
cipal contributions were four: (1) Provisions regarding aca-
demic freedom and tenure were to apply to instructors as well as to higher ranks; (2) Notice during the probationary period was to be at least 90 days in the second year and a year in the third; (3) Appeals proceedings for faculty members dismissed while under continuous employment were to be before a pensioned Professional Affairs Committee with a view to adjustment, if possible, or to a recommendation for a formal hearing. In the latter case, after the committee had made its recommendation, an ad hoc hearing committee would be elected by the faculty. At the hearing (as in all earlier proposals for hearings), the validity of the proposal would be accompanied by an advisor, not a legal counselor; a full stenographic record would be kept. The faculty member and his advisor would be pres-
ent at the meeting of the Board of Trustees at which the report of the hearing committee would be presented. (As noted earlier, no recommendations were made about the status of the tenure hearing.) (4) Continued employment was to be recognized in the case of all faculty members employed by the College on or before September 1, 1962.

After consultation with the Professional Affairs Commit-
tee, the Board of Trustees agreed to a new draft on Feb-

ruary 14, 1968. In this draft, those holding the rank of instructor were included parenthetically in the guarantee of academic freedom but were excluded from the provi-
sions concerning notice. For new faculty members about to enter the College, the periods of notice were listed as 60 days in the first year, by December 15 in the sec-
ond, and by November 1 in the third. The Professional Affairs Committee gained its proposal for a prelimi-
nary inquiry when a faculty member on continuous em-
ployment was dismissed, and special provisions were added to allow the Committee to make recommendations for suspension in cases of charge of immoral or treason-
able practices. The ad hoc faculty hearing committee pro-
ceded as advocated, the meetings were stenographic and record; only minutes and a tape recording of evidence were required. (As indicated earlier, a provision to allow the sharing of cost between the College and the faculty was deleted.) The effective date of the policy was to be not earlier than September 1, 1968. Continuous em-
ployment would be given to all faculty members temporarily employed for five years or more, who could also qualify under one or more further rubrics—having been pro-
moted, having received increments in salary, having received administrative increments in salary, at the maximum of the additional compensation fee speci-
fied by the Board of Presidents, or having been advanced to specified steps in the official salary schedule. This com-
plicated set of limitations was described by President Andrus as intended to avoid giving continuous employment to a few members of the faculty who, the President alleged, had reneged on their promises to pursue further graduate work.

In April, 1968, this document came before the faculty. The local chapter of the American Association of Uni-

versity Professors had drafted a number of amendments with a view to (1) including all full-time faculty members un-
der its provisions, including instructors; (2) providing for notice by the preceding June 1 after the second and succeeding years of the probationary period; (3) providing for a stenographic record as well as a tape recording of hearing proceedings if desired, with costs of the
hearing to be borne entirely by the College; and (4) including all current faculty members of five years' standing under the provisions of continuous employment. The chapter also proposed a resolution urging the President to seek autho-
risation from the Board of Presidents for legislation cover-
ing compensation for faculty members on continuous em-
ployment who might be dismissed under provisions of this plan. Only two of the chapter's amendments could be presented to the board at the ratings of the meeting and both were defeated. The draft was then accepted by a vote of 110 to 29, whereupon the chapter president made a statement disavowing the document in the light of the situation existing between the College and the American Association of University Professors as a result of Dr. Shockley's dismissal.

The present document, in effect as of September, 1968, while a considerable advance on no policy at all, is inade-
quately on precisely the points which the Bloomburg chap-
ter of the Association attempted to remedy.2 A principal lesson of Dr. Shockley's case is surely that institutions find it much more effectively with a clear system of aca-
demic freedom, tenure, and due process that lesson ap-
pears to have been learned at Bloomburg State College. However, Dr. Shockley case does show, particularly in the area of notice, that Bloomburg standards fall short of those accepted by the academic community across the na-
tion. Until the Bloomburg State College regulations are brought into line with general practice on matters of no-
tice, on applicability to all full-time teaching personnel, on hearings, and on the grant of tenure to all faculty members having served the stipulated probationary period, more if less spectacular cases than that of Dr. Shock-
ley will always be possible. The present regulations reflect nothing of the Plowden Report, of the Principles of American Academic Freedom, or of the deference to traditional presidential prerogatives at

2 In December, 1968, the institutional policy was changed so as to include those with the rank of instructor under the same provisions for notice and for due process as exist for those with higher rank. Instructors, however, remained in-
eligible for tenure.

Bloomburg. They fail to provide the principled guaran-
tees of academic freedom that Bloomsburg State College needs.

V. Conclusions

1. The faculty hearing committee at Bloomsburg State College, which recommended against Dr. Shockley's rein-
statement and severely criticized the manner in which Dr. Shockley's dismissal was conducted by the administration, exercised its responsibilities admirably in the face of nu-
merous difficulties.

2. Notice of only three months to Dr. Shockley of the termination of her services, properly attacked by the fac-
ulty hearing committee, was in violation of the provision in the 1940 Statement of Principles on Academic Freedom and Tenure calling for at least a year of notice and was unacceptable under accepted standards in American higher education.

3. The regulations on academic freedom and tenure currently in effect at Bloomsburg State College represent an improvement over the almost totally unacceptable reg-
ulations of the past but fall far short of the standards accepted in regard to notice, due process, and general applicability.

R. K. Webb (History), Columbia University, Chairman James G. Freedman (Law), The University of Pennsyl-
vania
John C. Hutchinson (Sociology), Newark State College

Committee on Academic Freedom and Tenure has been

Chairman: Robert A. Maguire (Sociology), University of Hawaii

Members: Richard P. Adams (English), Tulane Univer-

sity; Clark Byrne (Law), Harvard University; Bertram H. Davis (English), Washington Office, ex officio; David M. Fellman (Political Science), University of Wisconsin; Wil-
liam J. Fidler (English), Washington Office; C. William Heywood (History), Cornell University; William V. Kilburn (Philosophy), Baylor University; Walter P. Metzger (His-
tory), Columbia University; 2. Dallas Sands (Law), University of Alabama; Jerome L. Rosenberg (Chemis-
try), University of Pittsburgh; Victoria Schuck (Political Science), Mount Holyoke College; Winton U. Solberg (History), University of Illinois.

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