



1133 19th Street, NW, Suite 200, Washington, DC 20036
PHONE: 202.737.5900 • FAX: 202.737.5526 • www.aaup.org

January 22, 2019

VIA ELECTRONIC MAIL AND USPS

Dr. Paul Pribbenow
President
Augsburg University
2211 Riverside Avenue
Minneapolis, Minnesota 55454

Dear President Pribbenow:

Dr. Phillip Adamo, a professor of history at Augsburg University, has sought the advice and assistance of the American Association of University Professors as a result of a letter from Dr. Karen Kaivola, provost and chief academic officer, dated January 11, 2019, in which she informs him of his temporary suspension from teaching in the current spring semester while a “formal resolution process” concerning potential misconduct is proceeding.

The charge of misconduct against Professor Adamo stems from incidents in two sections of an honors course he taught last semester, in each of which he quoted a passage from the book *The Fire Next Time* by James Baldwin which contained a racial slur. Following student complaints over the incident, Professor Adamo was summarily suspended from teaching both sections last semester. Provost Kaivola’s letter further mentions a “range of issues raised by students [that] go well beyond” the specific incident in question but does not provide specifics other than that they fall into the following areas: “(1) Bias and discrimination, (2) Respect for students, (3) Teaching competence, [and] (4) Program leadership.” Professor Adamo has indicated that the basis for these issues include anonymous student reports submitted under the university’s Student-Faculty Bias/Discrimination Reporting Policy. Finally, Provost Kaivola’s letter indicates that she is “considering the possibility of temporarily suspending [his] active participation on Faculty Senate, University Council, and associated activities.”

Our Association’s interest in this case stems from its longstanding commitment to basic tenets of academic freedom and due process, as enunciated in the enclosed 1940 *Statement of Principles*

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on Academic Freedom and Tenure. That document was jointly formulated by the AAUP and the Association of American Colleges and Universities (AAC&U) and has been endorsed by more than 250 scholarly societies and higher-education organizations. The Augsburg University faculty handbook quotes from the 1940 *Statement* at length in section 2.3.

Procedural standards complementary to the 1940 *Statement*, also endorsed by the AAUP and the AAC&U, are set forth in the 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings*, enclosed for your convenience. The 1958 *Statement* is explicitly incorporated into the Augsburg University faculty handbook in section 9.1.5.D., which observes, “Unless otherwise stated in this section of the By-Laws, the procedures of the 1958 Statement will be followed by all concerned.” This section of the handbook is, in turn, referred to in section 2.6.2(c), which describes the “formal resolution process” cited by Provost Kaivola in her letter.

The 1958 *Statement* sets forth that a “[s]uspension of the faculty member during the proceedings is justified only if immediate harm to the faculty member or others is threatened by the faculty member’s continuance.” The AAUP regards any action to separate a faculty member from ongoing academic responsibilities prior to demonstration of stated cause in an appropriate proceeding to be a suspension. Moreover, the Association interprets the provision as ordinarily pertaining to physical harm rather than, say, emotional harm of students. The administration does not appear to have suggested at any point that Professor Adamo presents a threat of immediate physical harm to himself or others. Thus, both his suspension from teaching during the fall and his present suspension appear to be at odds with Association-supported procedural standards that are explicitly incorporated into Augsburg University’s institutional regulations. We note that the same would be true of a suspension from “active participation on Faculty Senate, University Council, and associated activities” that is under consideration by Provost Kaivola.

Professor Adamo’s suspension also raises the concern that it was effected in violation of his academic freedom, as it appears to have been primarily based on classroom speech that was clearly protected by principles of academic freedom. As the enclosed *On Freedom of Expression and Campus Speech Codes* observes, “rules that ban or punish speech based upon its content cannot be justified,” adding,

An institution of higher learning fails to fulfill its mission if it asserts the power to proscribe ideas—and racial or ethnic slurs, sexist epithets, or homophobic insults almost

always express ideas, however repugnant. Indeed, by proscribing any ideas, a university sets an example that profoundly disserves its academic mission.

While the above observation applies to campus speech codes generally, the enclosed *Freedom in the Classroom* addresses its application in the context of the 1940 *Statement's* affirmation that "teachers are entitled to freedom in the classroom in discussing their subject." Citing *On Freedom of Expression*, *Freedom in the Classroom* acknowledges the need to "foster an atmosphere respectful of and welcoming to all persons," adding, "An instructor may not harass a student nor act on an invidiously discriminatory ground toward a student." However, *Freedom in the Classroom* observes that "[i]deas that are germane to a subject under discussion in a classroom cannot be censored because a student" might be offended, and further adds,

Instruction cannot proceed in the atmosphere of fear that would be produced were a teacher to become subject to administrative sanction based upon the idiosyncratic reaction of one or more students. This would create a classroom environment inimical to the free and vigorous exchange of ideas necessary for teaching and learning in higher education.

To the extent that the administration's actions against Professor Adamo are based on his reading from *The Fire Next Time* in his class, they violate his freedom in the classroom under principles of academic freedom long recognized by this Association and in Augsburg University's faculty handbook.

Moreover, Professor Adamo's public suspension raises concerns about its impact on the climate for academic freedom at Augsburg University generally. The Association has long regarded suspension as a particularly serious adverse personnel action. In the words of the report of an AAUP investigative committee, "[b]arring a teacher from his classroom inflicts ignominy upon the teacher and is destructive to the morale of the academic community." When such action is summarily taken for reasons that implicate principles of academic freedom, it is likely to have a chilling effect on others who teach at the institution.

Finally, the administration's employment of the formal resolution process raises the possibility that it will be seeking to dismiss Professor Adamo or impose a severe sanction on him. Although this Association has chosen to leave it to individual institutions to provide their own definitions of adequate cause for dismissal and imposition of severe sanctions, the 1958 *Statement* assumes

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that they will do so “bearing in mind the 1940 *Statement* and standards that have developed in the experience of academic institutions.” To the extent that the administration intends to base a decision to seek to dismiss or severely sanction Professor Adamo on the classroom incident cited above, such action would violate his academic freedom for the reasons set forth there. Moreover, charges considered in a possible faculty hearing that are based on anonymous complaints, such as those submitted through the Student-Faculty Bias/Discrimination Reporting Policy, would be entirely at odds with principles of academic due process that permit an accused faculty member to confront adverse witnesses.

The information in our possession regarding the case of Professor Adamo has come to us exclusively from him, and we appreciate that you may have additional information that would contribute to our understanding of what has occurred. We shall therefore welcome your comments. If the facts as we have recounted them are essentially accurate, we urge his immediate reinstatement to his normal faculty duties. As to any further action in his case, we urge that it be consistent with the procedural and substantive standards we have set forth. Given that any further such action potentially implicates important principles of academic freedom, the Association will continue to monitor the situation concerning Professor Adamo closely.

We look forward to your response.

Sincerely,



Hans-Joerg Tiede

Associate Secretary

cc: Dr. Karen Kaivola, Provost and Chief Academic Officer
Dr. David Matz, Interim Dean of Arts and Sciences
Professor Milda Hedblum, Faculty Senate President
Professor Benjamin Stottrup, Chair, Tenure and Promotion Committee
Professor Robert Cowgill, President, Augsburg University AAUP Chapter
Professor David Schmit, President, Minnesota AAUP Conference
Marshall Tanick, Esq.
Professor Phillip Adamo