Academic Freedom and Tenure: Collin College (Texas)[1]

(APRIL 2023)

At a gathering of local political conservatives in 2015, Dr. J. Robert Collins Jr., a member of the Collin College board of trustees since the institution's founding and its chair at the time, explained why the college does not grant appointments with indefinite tenure:

> Collin College does not have tenure. That's by design. Where you have tenure is where you tend to have a self-promoting faculty. So, with the tenure system, the ultraliberal, anticapitalism, socialistic professors want to hire more just like them. So, we don't have that here. We have a contract system. If you're a really good teacher, then you'll get a three-year contract. If you're not a good teacher, you'll get a one-year contract for a little while and then you'll get a zero-year contract.[2]

This report concerns actions taken by the administration of Collin College to terminate the services of Professors Lora Burnett, Suzanne Jones, and Michael Phillips. Its findings rebut the position on "a self-promoting faculty" and "the tenure system" Mr. Collins so proudly championed by illustrating how the absence of due-process protections endangers, if not eradicates, academic freedom.[3]

I. The Institutional Context

Collin College is a public community college district comprising eleven campuses across three counties in the northwest Dallas–Fort Worth metropolitan area. Its administrative offices are in McKinney, Texas. Founded in 1985 as the Collin County Community College District, the college rebranded itself as Collin College in 2007. It is principally a two-year institution, but the federal government classifies it as a four-year institution, as it offers bachelor's degrees in nursing and cybersecurity (it conferred twenty-six bachelor's degrees in 2021–22, all in nursing). In fall 2020, the college enrolled more than thirty-five thousand students in its credit and noncredit programs, 30 percent of whom were enrolled full time. In 2020, it reported having approximately 520 full-time and

1. The text of this report was written in the first instance by 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. Committee A approved the draft for eventual publication following circulation to the concerned parties for their comments and corrections of fact. This final report has been prepared for publication in light of their responses and with the editorial assistance of the staff.

2. CTFA (Collin chapter of Texas Faculty Association), "Bob Collins: Collin College Doesn't Have Tenure 'By Design,'" video, Facebook, February 1, 2022, https://m.facebook.com/CollinTFA/videos/1045423022670168/.

3. A fourth Collin College faculty member originally sought the AAUP's advice and assistance. Professor Audra Heaslip was a humanities faculty member at the McKinney campus with more than nine years of full-time service at Collin. The administration terminated her services on the same day as it did Professor Jones's and for similar reasons. However, as noted below, she eventually withdrew her complaint and declined to participate in this investigation. Our discussion of Professor Heaslip's situation is based solely upon publicly available information she shared, prior to her withdrawal, with the AAUP, the Foundation for Individual Rights and Expression, and the press.

nearly 1,000 part-time faculty members.[4] The college is accredited by the Southern Association of Colleges and Schools Commission on Colleges and governed by a nine-member board of trustees elected at-large across the district.

Collin's current president, its third, is Dr. H. Neil Matkin, who holds a doctorate in education from Texas A&M University–Commerce. Prior to assuming the presidency in 2015, he served as the executive vice president of the Louisiana Community and Technical College System.[5] From February 2019 to September 2021, Dr. Toni Jenkins was Collin's senior vice president of campus operations, a position now occupied by Dr. Abe Johnson. Collin College's sprawling academic administration also includes five provosts, fifteen deans, and an array of associate deans spread across its many campuses. Several administrators named in this report changed titles during the period covered.

As Dr. Collins noted, Collin College does not have a tenure system. All faculty members serve on renewable term appointments with a maximum length of three years. Texas law prohibits state employees from engaging in collective bargaining, but some faculty members at Collin belong to the Texas Faculty Association, the higher education arm of the Texas State Teachers Association (TSTA), an affiliate of the National Education Association.

II. The Case of Professor Suzanne Jones

Dr. Jones earned master's and doctoral degrees in education from Texas A&M University–Commerce. In 2012, she accepted a full-time position in the education department at Collin College's Frisco campus after having served as a part-time faculty member for eleven years. She then completed three one-year appointments, followed by two three-year appointments. From 2018 to 2021, she was an elected representative on the Collin Faculty Council (CFC), the college-wide faculty body. Professor Jones also maintained a long-standing connection with the TSTA and the Texas Faculty Association (TFA). In July 2020, she began a four-year term as statewide secretary-treasurer and was concurrently involved in founding a TFA chapter at Collin College, serving as chapter secretary.

In August 2020, in Professor Jones's ninth year of full-time service at Collin, her associate dean, dean, and provost recommended that she be granted another three-year appointment, to begin fall 2021. Collin College faculty evaluation documents provide only two ratings options: "Meets Expected Level of Performance" and "Needs Improvement." Professor Jones received the higher rating in every criterion of assessment, and her immediate supervisor, Ms. Alexis Cade, associate dean of academic affairs and workforce development, described her as a "dedicated professor with a deep passion for education" who was "invested in the growth of her students and the overall progression of her department and the college." Associate Dean Cade's evaluation concluded that Professor Jones "embodies our Core Values through her service and excellence in teaching and has proven to be a valuable member of the Education Department."

Nonetheless, in a January 28, 2021, meeting, Dr. Mary Barnes-Tilley, the Plano campus provost, informed Professor Jones that President Matkin and Senior Vice President Jenkins had decided not to renew her appointment, thus terminating her many years of service on May 14, 2021. Although Professor Jones received no written statement of reasons for the nonrenewal at the January 28 meeting, she reported to the AAUP's staff that Dr. Barnes-Tilley informed her orally that the decision was due in part to her "inappropriately" challenging Collin College's COVID-19 policies. According to Professor Jones, Provost Barnes-Tilley also cited as a basis the fact that, in September, the TFA "leadership team" web page had listed Professor Jones's Collin College affiliation along with her name. In addition, the provost mentioned an unspecified "similar" incident from 2017, which her later statements indicate was a reference to the incident discussed in the next section of this report—Professor Jones's having signed, again with her Collin affiliation, an opinion piece in the *Dallas Morning News* calling for the removal of Confederate monuments.

On February 9, Professor Jones filed a written complaint regarding the nonrenewal decision with a Resolution Review Panel (RRP) consisting of three administrators. In it, she contended that

4. Institute of Education Sciences, National Center for Education Statistics, "Collin County Community College District," College Navigator, https://nces.ed.gov/collegenavigator/?id=247834.

5. More information about Dr. Matkin's background and professional history can be found in Michael Vasquez, "'That Man Makes Me Crazy': How One President Shattered Norms, Played Down Covid-19, and Sent His Critics Packing," *Chronicle of Higher Education*, April 13, 2021, https://www.chronicle.com/article/that-man-makes-me-crazy.

the administration had denied her reappointment because she had criticized its actions and because she was a member of the Texas Faculty Association. For these reasons, she further contended, the decision violated the rights of free expression and association afforded her under the First Amendment and Collin's regulations.

Like her immediate supervisors, the senior administrators who recommended against Professor Jones's reappointment held her performance in high regard. In a statement filed with the RRP rebutting Professor Jones's complaint, Vice President Jenkins echoed Associate Dean Cade's endorsement, citing the quality of Professor Jones's teaching and her engagement in college service, asserting that "on the basis of these factors alone, I would not have made a recommendation to non-renew her contract." "However," she continued, "these are not the only factors that are evaluated or considered for a faculty member who is seeking contract renewal." In what follows, based on our interview with Professor Jones and our review of the documents in her case, we outline the other "factors" that led to Professor Jones's nonreappointment.

A. Confederate Monuments Letter

In the summer of 2017, Professor Jones signed a letter, coauthored by her colleague Professor Phillips (whose case is discussed later in this report), calling for the removal of Confederate statues and other monuments from public spaces in the Dallas–Fort Worth area. The authors and signatories submitted the letter to the Dallas city council and school district, and it was published in the August 4, 2017, edition of the *Dallas Morning News* as an opinion piece.[6] On August 24, Mr. James N. Barko, dean of student and enrollment services at the Plano campus, summoned Professor Jones to meet with him and Dr. Johnson, the then campus provost. Drawing upon a memorandum drafted by Dr. Brenda Kihl, the college's executive vice president, the administrators told Professor Jones that including her Collin College affiliation in the letter violated an institutional regulation that requires faculty members speaking as private citizens to "indicate clearly that they are not . . . official spokesperson[s] for the College District."[7] Professor Jones reported to the AAUP's staff that the administrators told her that by signing the letter she had made the college "look bad" and might have offended students and other community members with Confederate ancestors. The administration took no disciplinary action at that time but cautioned her to adhere to the rule in the future.

Professor Jones informed the investigating committee that she had initially surmised that being listed as a signatory with her Collin College affiliation was a basis for the nonrenewal decision. That suspicion was confirmed by Vice President Jenkins's RRP statement. In that document, Dr. Jenkins charged Professor Jones with "misuse of the college's name in . . . a petition sent to a local newspaper which she signed listing herself as an education professor at Collin College." At that time, she added, "Professor Jones was counseled by her dean . . . regarding her use of the college's name when linked to expressions of her personal opinions. . . . Professor Jones's conduct created the impression that she spoke on behalf of the college, which is a violation of Board policy."[8]

B. Texas Faculty Association Affiliation

Beginning in summer 2020, Professor Jones served as secretary-treasurer of the statewide TFA and helped found the TFA chapter at Collin College. In correspondence with the AAUP's staff, Professor Jones noted that the chapter, anticipating repercussions for using the institution's name, was "careful not to name itself Collin College TFA." Instead, she wrote, "We called ourselves Collin TFA," ostensibly referencing the county rather than the college. As noted above, Jones had contended in her RRP complaint the administration had denied her reappointment in retaliation for her TFA activism, in addition to speech critical of the administration.

6. Michael Phillips and Edward Sebesta, "Dallas' Confederate Memorials Scream 'White Supremacy,'" *Dallas Morning News*, August 4, 2017, https://www.dallasnews.com/opinion/commentary/2017/08/04/dallas-confederate-memorials-scream-white-supremacy/.

7. Collin College Board Policy Manual, "DGC—Employee Rights and Privileges: Employee Expression and Use of College Facilities," https://pol.tasb.org/Policy/Download/304?filename=DGC(LOCAL).html.

8. In that same statement, Dr. Jenkins contended, "Other faculty members also signed the petition, but many identified themselves in their individual capacities as 'professor,' 'historian' or 'independent scholar' without using the name of the college." In fact, as Professor Jones reported to the AAUP's staff, only one Collin faculty member, a history professor, signed without listing an institutional affiliation, while seven others did list their affiliations. Professors Jones and Phillips also reported that all seven were summoned to meetings in which administrators cautioned them against "misusing the college's name" in the future.

In a September 22, 2020, email exchange among members of the Collin College Faculty Council planning an upcoming public meeting, Professor Jones asked Professor Kat Balch, the CFC president, whether the faculty council could use the meeting to announce the founding of the Collin TFA chapter. Professor Jones shared with Professor Balch information about the TFA and several links to the organization's website, including a page that listed Professor Jones as a chapter officer along with her Collin College email address. Two days later Professor Balch reported to Professor Jones and others on the email thread that she had "just been advised" that the CFC "absolutely cannot make an announcement about the existence [of] or solicit membership in TFA, as it's an organization clearly associated with state and national labor organizations/unions. The college doesn't allow us to use their time/space/resources . . . to recruit for a group like this." When a CFC member asked who had so advised her, Professor Balch named Vice President Jenkins, who, she said, had consulted the college's general counsel. As she recounted in her RRP statement, Dr. Jenkins visited the TFA's web page on September 24, evidently after her exchange with Professor Balch. There she noticed a listing for a "Collin College—Plano" chapter and a "Click to Contact" link, which provided Professor Jones's personal email address. Dr. Jenkins further noted that the page listing Professor Jones as an officer in the state organization included her affiliation with Collin College, again with a personal email address. Dr. Jenkins made printouts of these pages and contacted Dr. Garry Evans, dean of academic affairs and workforce development for Professor Jones's campus.

According to Professor Jones's RRP complaint, Dean Evans telephoned her the following Monday, September 28, to ask her to remove all references to Collin College from the TFA website. When Professor Jones asked why, Dean Evans replied that Collin College did not want to be associated with a "union." In a follow-up email exchange, Dean Evans contended that a chapter link to Professor Jones's personal email address "implies that you are acting as a representative of Collin College." He continued, "While Collin College respects and values the constitutional rights of its employees, employees should make clear that the views they express are their own, and they must avoid actions that may inadvertently create the impression that they are speaking on behalf of the College. I am requesting that Collin College be removed from that listing along with your email as the contact. It is important that we adhere to our policies and procedures and to be accurate with how information is conveyed." Dean Evans also asserted that the TFA website's listing Collin College as the chapter name "may also be considered misleading if the institution has not in some way approved of the chapter," and that "the institution would need to provide some level of approval for the chapter to utilize the college name."

In her RRP complaint, Professor Jones noted that she informed Dean Evans that she did not have editing privileges for the TFA website, but that same day she asked the association to remove Collin College's name from its website. The references to Collin College were deleted on September 30. In the intervening two days, her complaint notes, Dean Evans telephoned Professor Jones on four occasions to follow up on the issue.

In her response to Professor Jones's RRP complaint, Vice President Jenkins reported that she had learned in November 2020 of a "Collin TFA" Facebook page that referred to a "Collin College" chapter of the TFA. Dr. Jenkins did not contact Professor Jones about the Facebook site or mention it in their January 28, 2021, nonreappointment meeting. Nevertheless, Dr. Jenkins wrote, "as the self-identified representative and campus contact for TFA, Professor Jones should have been cognizant of the fact that the college name should not be used on this Facebook page—especially given her previous discussion and the specific communications . . . with Dean Evans." Vice President Jenkins contended that Professor Jones's mere affiliation with the state organization was not a basis for the decision not to renew her appointment. Instead, the decision was based, at least in part, on her "use of the college's name in connection with such membership."

In her complaint, Professor Jones noted that Collin College faculty members often listed their institutional affiliation in connection with their membership in other professional organizations, including the Texas Community College Teachers Association, and had done so without incurring administrative sanctions. In reply, Vice President Jenkins argued for the following distinction: "Faculty are encouraged to be involved in professional development organizations and their involvement is a source of pride for the college. To compare the Texas Faculty Association with the TCCTA is a misrepresentation. The TFA is a union whose mission and goals are focused on protecting employees' rights, advancing the tenure system, advancing fair and equitable compensation,

etc. The TFA mission and goals are very different from the [TCCTA] or any other professional development organizations recognized and supported by the college. . . . Collin College celebrates and encourages affiliation with organizations that support excellence in teaching and learning and will continue to do so."

In his statement to the RRP, President Matkin also cited the TFA website issues as a basis for the nonrenewal decision, asserting, "As a representative of that external organization, Professor Jones should have been aware of the continued misuse of the college's name in connection with TFA, especially given her previous warnings and the specific communication she had with her current Dean about Board policy."

C. COVID-19 Policies

A common thread in the three cases treated in this report is faculty dissatisfaction with the Collin administration's response to the COVID-19 pandemic, which, according to the faculty members we interviewed, many faculty members believed to be inadequate, insufficiently responsive to faculty input, and dismissive of health risks. In an August 18, 2020, email message to the college's staff, President Matkin opined that the number of reported deaths nationally from COVID-19 was "clearly inflated": "If you find better numbers, please enlighten me, but, from my limited perspective, the effects of this pandemic have been blown utterly out of proportion across our nation and reported with unfortunate sensationalism and few facts regardless of which news outlet one tunes into. It has become political in a pivotal election year and frankly, it has made our jobs all the more difficult."

The faculty members we interviewed also reported that many of their colleagues were concerned that President Matkin in particular seemed indifferent to the human toll of the pandemic. As noted in Professor Burnett's legal complaint, when a Collin College student died in October 2020 of COVID-19 complications, the college community did not learn of the death until twenty-seven days later, only because President Matkin happened to mention it at a board of trustees meeting. According to an April 2021 article about President Matkin in the *Chronicle of Higher Education*, faculty members were similarly surprised, and disappointed, when President Matkin announced the COVID-related death of faculty member Iris Meda in what they perceived as an offhanded manner—near the end of a holiday email with the subject line "College Update & Happy Thanksgiving." A retired nurse in her first semester on a part-time appointment, Professor Meda was teaching in person in Collin's nursing program. Her family alleged that she had contracted COVID-19 in the classroom.[9]

The faculty's primary attempt to voice its concerns about Collin College's pandemic precautions, or lack thereof, was a June 30, 2020, Collin Faculty Council resolution. According to Professor Jones's RRP complaint, approximately 130 Collin faculty members cosigned it, including Professors Jones, Burnett, and Phillips.[10] As its preamble noted, CFC members drafted the resolution in response to the administration's plan for instruction in fall 2020—a "combination of online and face-to-face learning" that its signatories believed would present grave public health risks. The resolution contended, "It is essential that Collin employees actively participate in planning and other strategic initiatives" and offered recommendations for reopening during the pandemic, including "moving courses, when possible, to a fully online modality" to "ensure the health of . . . students and faculty" and "to reach the pedagogical excellence that Collin College strives to achieve." And it further urged that faculty members who wished to teach online be permitted to do so, that masking and social distancing be required on campus, and that the college provide adequate personal protective equipment for faculty members teaching in person. Employing an extremely conciliatory tone, it closed by noting that its "discussions and proposals are intended to bring forward sincerely held concerns by members of the Collin community. We do not wish to subvert or impugn the college leadership in any way. Rather, the purpose of this document is to create a dialogue in the hopes that the administration will consider adjusting its plans in a way that addresses the critical and urgent health concerns laid out here."

9. Vasquez, "That Man Makes Me Crazy." The article also recounts the following exchange between the president and a part-time faculty member: "In an August 18, 2020, campus-wide email, Matkin compared the risks of a once-in-a-century pandemic with the everyday risks of drivers getting hurt or killed in a car accident. The next day, an adjunct professor responded, telling Matkin it was 'shocking' he would make such a comparison. 'I would hope we could further engage our discussion in person (masked and socially distanced),' the professor wrote. 'No we won't,' Matkin shot back, telling the professor 'the chances of catching this virus and dying from it are not high.'"

10. The resolution's primary author was Professor Audra Heaslip (see note 3), who received notice of nonrenewal on the same day as did Professor Jones.

On July 2, 2020, President Matkin emailed the faculty to acknowledge receipt of the CFC resolution. He reported that he had asked Vice President Jenkins to assemble a "task force representing a broad swath of our programs" to consider reopening options. He encouraged those who "had been asked or volunteered to participate" to "bring [their] best ideas and thoughts and resist those who would have you plan out your position prior to exchanging thoughts and ideas." After touting his shared governance bona fides ("To date, I have not interfered in a single faculty hire nor have I intruded on any course content issue") and encouraging faculty members to contact his office or the board of trustees with their reopening concerns and suggestions, President Matkin offered the following mixture of assurance, admonition, and intimidation: "The most disturbing thing I have heard to date are comments that some believe the administration practices retaliation. If so, the evidence has yet to be presented to me. We are an institution of higher education and, as such, every individual is welcome to speak their mind without fear of retaliation. We can agree or disagree with the hope we will do so with civility and professionalism. Retaliation for sharing one's thoughts and opinions must never be part of this college. I will actively seek an explanation from those who continue to promote this narrative."

On July 15, 2020, President Matkin sent the faculty the administration's response to the CFC resolution, which stated that the resolution's recommendations had been "considered" and "accepted in part": the administration would require masking and social distancing in classrooms, provide personal protective equipment, and implement safety protocols for faculty members and students who tested positive. His email message began by once more disavowing retaliation, praising openness, and emphasizing the need to work through established institutional policies: "To start, let me say here that I am truly appreciative for all of your comments and the faith that has been shown in the administration of the college . . . that you can speak openly and disagree without fear of recourse [*sic*]. Whether we agree or not, we must continue to operate in a manner where everyone is welcome to express their heartfelt perspectives. That said, it is absolutely critical that we work within the processes and policies of our college."

Nevertheless, President Matkin had harsh words for CFC members who had opposed in-person instruction, charging that they had failed to represent their constituents' views and warning that he would be following up:

> Ideally, the faculty members elected to the Faculty Council should strive to represent the faculty of their respective campuses. Part of the current difficulty is with timing. The majority of full-time faculty were off for the summer shortly following the onset of this crisis. But, earlier this week I received a strongly worded complaint expressing concerns that some were not appropriately represented by their Faculty Council members. I decided to dig a little deeper. Yesterday, 20 faculty were polled at the new Technical Campus. To a person, ALL desired face-to-face courses to start up in the Fall. Enrollments for this new facility resulted in many full sections with waiting lists. I find it ironic that some of the chief proponents of closing our campuses and going fully online failed to speak to the faculty they were charged to represent. We will explore this further together as time goes on.

In closing, he wrote, "Friends, this is not about academic freedom or shared governance. This is about responding to a crisis in the best way possible, focusing on the safety and wellbeing of all. There are detailed plans for how we will handle instances that arise."

On July 23, the Board of Trustees approved, by a vote of 8 to 1, a "2020 Fall Restart Plan."[11] As a result, according to the previously cited *Chronicle of Higher Education* article, "about two-thirds of Collin College's courses [in fall 2020] were at least partially in-person: nearly half were hybrid courses that contained both online and in-person lessons. Another 20 percent were fully in-person, although socially distanced, and a third of courses were completely online." According to the same source, "over half of public, two-year colleges operated mostly online in [fall 2020]. Dallas College, a nearby community-college district, operated primarily online."[12]

Although Professor Jones was a CFC member and had signed the resolution, the investigating committee has seen no evidence indicating that she was especially outspoken on COVID-19 issues or that her interactions with the administration on the issue were notably contentious. Nevertheless, a stated basis for

11. Collin College, "Fall Restart Plan," https://www.collin.edu/covid19/2020FallRestartPlan.pdf.

12. Vasquez, "That Man Makes Me Crazy."

Professor Jones's nonrenewal was her "inappropriately challenging" the institution's policies on the matter. In her RRP statement, Vice President Jenkins explained the administration's position:

> Shared governance allows for diverse opinions to be considered. Everyone will not get what they want, but their positions can be voiced and considered. However, once strategic or operational decisions are made, it is my expectation that as an employee, Professor Jones would have supported those decisions and worked collaboratively to achieve agreed-upon outcomes. That did not occur. Professor Jones did not work collaboratively and took measures outside of the shared governance structures and normal communication channels to attempt to exert external pressure on the college not to reopen as planned or to challenge operational issues, which directly undermines decisions made by the Board for the college.

However, Vice President Jenkins's statement did not cite examples of the "measures outside of shared governance . . . and normal communication channels" that formed the basis for her nonrenewal recommendation. Instead, she mentioned "one significant example" she discovered *after* she had made the recommendation, namely, a Facebook post Professor Jones had made on January 18, 2021, the day before the commencement of the spring semester. "In the post she ask[ed] readers to 'consider emailing the college president Dr. Ma[t]kin, and asking for a simple solution, teachers that can go online until the vaccine is rolled out should go online.'"

Vice President Jenkins also took issue with Professor Jones's assertion, in the same Facebook post, that the administration was "requiring many teachers and students to come back to class face to face." Dr. Jenkins contended that this claim was false: that the administration was not forcing students and teachers to return; that administrators had not forced students to take face-to-face classes; that the college had a variety of in-person, online, and hybrid options; and that faculty members could request permission to teach online for health reasons. She noted that "over 90 full-time faculty members taught online in the fall 2020 and spring 2021 semesters." Based on these representations, Dr. Jenkins averred, using bold font for emphasis, that "Professor Jones continued to engage in conduct that is misrepresentative, outside of the shared governance model, outside of normal channels of communication, and aimed at overriding the Board's decisions and the college's operational efforts designed to meet its vision and mission."

On March 30, 2021, the RRP heard Professor Jones's complaint, allocating forty-five minutes to the proceeding. On April 27, it issued a brief report that found her complaint "not substantiated." Professor Jones's long service at Collin College ended on May 14. Her attorney at the time appeared at the May 25 public meeting of the Collin board of trustees to ask that body to reconsider Professor Jones's nonrenewal. It declined to do so.

On September 22, 2021, Professor Jones filed a federal lawsuit against Collin College, President Matkin, and Vice President Jenkins. On November 3, 2022, the parties reached a settlement agreement awarding Professor Jones's legal counsel $145,000 and reinstating her to a two-year, fully online faculty instructor appointment beginning January 1, 2023. Upon its expiration, she will be ineligible for reappointment or reinstatement. Under the terms of settlement, Professor Jones is forbidden from serving on committees and from attending Faculty Council meetings. She will teach a reduced load of two or three classes a term and be paid $115,000 per year; she may elect to resign the position before the two years expire and be paid the remainder of her salary in a lump sum.

III. The Case of Professor Lora Burnett

Professor Burnett earned a PhD in humanities, with a concentration in the history of ideas, at the University of Texas at Dallas. After serving part time at Collin College from 2015 to 2017, she began a full-time appointment in fall 2019 in the history department at the Spring Creek and Wylie campuses. On February 25, 2021, in her second year of full-time service, Professor Burnett received a letter from Vice President Jenkins notifying her that her appointment would not be renewed for the upcoming academic year. The letter contained the following explanation:

> Collin College expects its employees to conduct themselves in a professional manner in accordance with delineated standards of conduct, including those contained in both our Employee Standards of Conduct under Board Policy DH (Exhibit) and the *Faculty Statement of Professional Ethics*. As an employer, the college has a particular interest in maintaining a harmonious or disruptive-free [*sic*] working environment that does not include the type of conduct that you have chosen to engage in,

> such as insubordination, making private personnel issues public that impair the college's operations, and personal criticisms of co-workers, supervisors, and/or those who merely disagree with you. As only one example, under the *Faculty Statement of Professional Ethics*, our faculty "should refrain from personal vilification; threatening and intimidating, or abusive language, . . ." and yet you failed to adhere to such a standard in attacking others. The college also has the right and interest to expect its employees to work cooperatively with the college's administration and to follow directives or standards, particularly those intended to counsel or to help you continue in your employment at the college. You chose not to take advantage of those established procedures or resources. As a result, the recommendation for the non-renewal of your contract is based on our determination that you have failed to meet our delineated standards of conduct for employees and adherence to board policies.[13]

Vice President Jenkins's letter does not identify the events that formed the basis for the administration's decision. But the record of the administration's disciplinary actions against Professor Burnett and the administration's responses to her RRP complaint regarding the nonrenewal, filed on March 5, do provide that information.

A. Social Media Posts about the US Vice-Presidential Debate

On the evening of October 7, 2020, Professor Burnett posted commentary on Twitter during the vice-presidential debate between Vice President Mike Pence and Senator Kamala Harris. She was using her personal Twitter account, which included this disclaimer: "Tweets do not rep[resent] my employer." One tweet recounted a conversation in which her spouse called Mr. Pence a "demon." A few minutes later, Professor Burnett tweeted that "the moderator needs to talk over Mike Pence until he shuts his little demon mouth up."[14] She also retweeted a post that described the vice president as a "scumbag lying sonofabitch." These posts received a great deal of attention both on- and offline, and over the next several days they were featured prominently on right-wing outlets, beginning with the conservative website Campus Reform and spreading, by Friday, October 9, to Fox News. In an article published a week after the debate, Professor Burnett described the torrent of threatening messages she had received, some of which were sent to her Collin email account. She responded to some of these messages from that account, copying President Matkin so that he could "see for himself the bilious vitriol that was flooding [her] work inbox."[15]

Media coverage also prompted complaints to the Collin College administration. In an October 12 campus-wide email, President Matkin lamented the negative attention the college was receiving because "one of our faculty members chose to post some political and other statements on her social-media accounts." He reported that he had received "contacts and calls from legislators," and that while "a handful" of email messages urged him "to uphold 'academic freedom' and 'free speech,'" most called for the faculty member's dismissal. President Matkin's message also shared a press release, presented here in its entirety:

> Collin College is aware of the hateful, vile, and ill-considered Twitter posts by one of its faculty members. As a community, we cannot and will not ignore them. We deeply apologize for the offense her comments have created. The faculty member's expressed views are not consistent with the values of Collin College, particularly our Core Values of dignity and respect. Further, the views were not conveyed in any manner we wish members of our faculty and staff to express themselves.
>
> Free expression is a cherished right guaranteed by our Constitution, but that does not lessen our individual responsibility to protect such rights through our own care and consideration. At the very least, in our free exercise of expression, professionalism should dictate decorum rather than resorting to profanity.
>
> While this instance of unfortunate speech may be protected, incendiary comments such as these do not best serve our community, nor do they advance

13. Collin College Board Policy Manual, "DH—Employee Standards of Conduct," https://pol.tasb.org/Policy/Download/304?filename=DH(XHIBIT).html.

14. L. D. Burnett, "The moderator needs to talk over Mike Pence until he shuts his little demon mouth up," Twitter, October 7, 2020, https://twitter.com/LDBurnett/status/1314023216034320391.

15. L. D. Burnett, "Right-Wing Trolls Attacked Me. My Administration Buckled," *Chronicle of Higher Education,* October 15, 2020, https://www.chronicle.com/article/right-wing-trolls-attacked-me-my-administration-buckled.

> any positive solution. Hate and profanity are never welcome, especially during this time when we, as Americans, are searching for the best path forward for our Nation. Such comments make it that much more difficult for all who hold diverse views to come together, as our country so desperately needs. Notably, these comments are a setback to the hard work and dedication of our campus community and all that Collin College has achieved this year.
>
> Faculty members, as representatives of their profession and of our distinguished institution, have a special obligation to remember that their public statements reflect on their unique roles both in educating students and modeling behavior, as well as on the college that provides them with the opportunity to educate. Hateful and profane speech expressed in any forum is not how we should strive to conduct ourselves.
>
> In this challenging period, Collin College urges all to express themselves with grace, civility, and respect for others in a manner worthy of this Nation and the core values we share. [16]

Professor Burnett replied to President Matkin on the same mailing list nine minutes later: "Dear Dr. Matkin, It would have been kind, or at least professional, to have communicated with me first before publicly calling any of my writing 'vile and ill-considered.' Though you disavowed the intent to do so in this email—an email with scare-quotes around the ideas of academic freedom and free speech—by posting that statement you are, in effect, executing personnel policies in public. I don't appreciate that, and it speaks more poorly of Collin College's reputation than anything on my Twitter feed." Five minutes later, President Matkin replied, only to Professor Burnett, "I will keep that in mind as we continue to receive negative publicity due to your continued actions. I will not be communicating with you further on this issue."

The next day the administration issued Professor Burnett an "Employee Coaching Form." Instructions on the form warn that, while its issuance is "not considered a level of formal discipline," "failure to meet and sustain acceptable performance or behavior may result in formal disciplinary action." In responding to Professor Burnett's March 5 RRP complaint, both Ms. Daphne Babcock, associate dean for academic affairs and workforce development at the Wylie campus, and President Matkin characterized the actions described in that form as contributing to the decision not to renew her appointment.

The "constructive feedback" on the form centered not on Professor Burnett's social media posts but on her use of her institutional email account:

> This is to serve as acknowledgement that you are entitled to your views and may freely post these views on your personal social media. This is also to clearly communicate that you are not to use Collin College systems or resources to engage in private or personal conversations. If you are contacted through your Collin.edu account, you are not to respond from the college email system. You should use your personal email account [for] any and all personal communication. In addition, please refrain from copying what appears to be private or personal communications to others via their Collin.edu email accounts. The Collin.edu system is for professional communications and those related to the educational mission of the college.[17]

Although the coaching form does not specify which email messages prompted its issuance, President

16. Cougar News, "Collin College Statement," *Collin College News*, October 12, 2020, http://www.collincollegenews.com/2020/10/12/collin-college-statement-october-12-2020.

17. Associate Dean Babcock stated in her submission to the RRP that Collin College's policy on technology resources prohibits personal use of college email resources. However, that policy provides that "incidental personal use that does not otherwise violate this policy or have an adverse effect on College District resources will be permitted." The administration did not allege that Professor Burnett's use of her account had such an adverse effect. See also the following passage from the AAUP's *Academic Freedom and Electronic Communications*:

> In an often well-intentioned effort to reduce spam and prevent the monopolization of bandwidth, some university IT offices have proposed policies under which users of institutional electronic-communications resources must seek advance permission to send messages to large groups of recipients. But even if such measures address the problems of spam and limited bandwidth—and it is questionable whether they do—they only create a much larger and more ominous academic freedom problem because they amount to de facto prior censorship. Similarly, provisions that have been proposed in some instances to bar communications that purportedly "interfere with the mission of the university" or that violate university policies amount to unwarranted censorship of free expression.

Matkin's response to Professor Burnett's RRP complaint, described in the next section of this report, makes it even more obvious that the message described above was the catalyst for his response.

On October 27, Professor Burnett emailed the board of trustees requesting that the board take down the president's October 12 statement and issue a vigorous defense of her First Amendment rights. She received no response, and no such actions were taken.

Based on the president's having asserted in his October 12 email message to the faculty that he had received "contacts and calls" from legislators, the Foundation for Individual Rights and Expression filed a public records request for communications between state officials and President Matkin, which unearthed only one item: an exchange of ominous text messages between Dr. Matkin and state representative Jeff Leach of Allen, Texas, the location of a Collin campus.

LEACH: LD Burnet [*sic*] is paid with taxpayer dollars, correct?

MATKIN: I'm aware of the situation, Jeff, and will deal with it. Already on my radar before the current issue. She is definitely paid with taxpayer dollars.

LEACH: Ok, cool. I'm getting calls from folks. Not a ton . . . but a few . . . as it is starting to percolate on social media.

MATKIN: My inbox and the board is [*sic*] getting the same. Appreciate you. Good luck in November, friend.

B. Tweets about Collin College's Response to COVID-19

On January 19, 2021, Associate Dean Babcock sent Professor Burnett a "Level 1" disciplinary warning.[18] The warning came in response to another tweet from her personal account, posted six days earlier, in which she wrote, "Another @collincollege professor has died of COVID."[19] Her tweet linked to the online obituary for Mr. Ralph Gregory Hendrickson, which reported that Mr. Hendrickson had "worked for various colleges, including Hill College, Eastfield College in Mesquite, and Collin County Community College."[20] Professor Burnett posted her tweet after seeing notice of Professor Hendrickson's death on the Twitter account @FacesofCovid, noting the Collin reference in his obituary, looking up his RateMyProfessors.com page, and finding a rating for him from a Collin student from fall 2020.[21]

However, Professor Hendrickson had not taught at Collin College for several years prior to his death, a fact that the administration noted in its disciplinary warning. The warning stated that the obituary "did not indicate that [Mr. Hendrickson] was, in fact, a current professor at the college or that he died as a result of COVID." It continued, "Had you first verified the accuracy of the information, you would have learned that Mr. Hendrickson is not a Collin College professor and, in fact, has not taught at the college for several years." The warning urged Professor Burnett to "verify objective facts included in [her] publicly posted statements," citing a provision of the Collin policy on employee rights and privileges that states that faculty members should "strive for accuracy when speaking or writing as private citizens."

Shortly before receiving her February 25 nonrenewal notice, Professor Burnett had exchanged tweets with state representative Jeff Leach, the politician who had exchanged text messages with President Matkin the previous fall. After Professor Burnett replied to one of Mr. Leach's tweets, he responded: "The fact that you are no longer paid and your maniacal, obscene rhetoric [is] no longer supported with Collin County taxpayer dollars is a win! A BIG WIN!" When Professor Burnett informed him on Twitter that she was in fact still employed at Collin College, Mr. Leach tweeted an image of a ticking clock. Burnett received her nonrenewal notice a week later.[22]

18. A "Level 1 Warning" is the least severe disciplinary action on Collin's Employee Discipline Form, followed by "Level 2 Warning" and "Recommendation for Suspension."

19. L. D. Burnett, "Another @collincollege professor has died of COVID," Twitter, January 13, 2021, https://twitter.com/LDBurnett/status/1349455408960860162.

20. Winscott Road Funeral Home and Cremation Services, "Ralph Gregory Hendrickson, June 17, 1960–January 9, 2021 (Age 60)," obituary, https://www.winscottfuneral.com/obituary/ralph-hendrickson.

21. Emma Pettit, "A College Warned a Professor about Her Tweet. She Says That's Retaliation," *Chronicle of Higher Education*, January 19, 2021, https://www.chronicle.com/article/a-college-warned-a-professor-about-her-tweet-she-says-its-retaliation.

22. Vasquez, "That Man Makes Me Crazy." Responding to the draft text of this report, the attorney representing the Collin College administration said that Mr. Leach "was not involved in the nonrenewal recommendations or the ultimate decision to not renew Dr. Burnett's one-year faculty contract."

On March 5, Professor Burnett filed a complaint contesting the level 1 disciplinary warning and the nonreappointment decision, alleging that both actions were "[in] retaliation for [her] speech as a private citizen." Her complaint, like that of Professor Jones, was reviewed by an RRP.

In her written response to Professor Burnett's complaint, Associate Dean Babcock, citing the two incidents described above, stated that she had based the nonrenewal decision on Professor Burnett's alleged failure to meet the "employee standards of conduct" set out in Collin College's "Code of Professional Ethics" and "Faculty Statement of Professional Ethics." She also noted that Professor Burnett had twice declined to meet with her without an attorney and that Professor Burnett had posted to Twitter about the administration's actions against her "even though they were a private personnel matter."

In his submission, President Matkin wrote that he had accepted Vice President Jenkins's nonrenewal recommendation because "Professor Burnett chose to engage in conduct that was insubordinate and . . . did not meet the standards of conduct expected of our Collin employees as provided in Board policy." He offered the following explanation:

> In one instance, for example, Professor Burnett was insubordinate when on October 12, 2020, she chose to respond to an email I sent to the college, which did not specifically name her, in an attempt to quell the external demands for her termination from the college. In responding to me directly, Professor Burnett also purposely included eight college email distribution lists. I replied to her and stated that I would no longer be communicating with her directly on that issue. From then on, Professor Burnett chose not to engage internally with her Dean or Campus Provost. Instead, Professor Burnett aired her private personnel concerns in public, rather than attempting to address or redress them internally. I also recall that Professor Burnett copied me on personal communications she chose to send over the college's email system related to her Twitter posts. She copied me on some of those emails or encouraged other individuals to contact me directly about her posts. Overall, I reflected on the type of personal attacks and threats that Professor Burnett directed at individuals, including members of our Board of Trustees.[23] That kind of behavior does not align with the college's standards of employee conduct or expectations of professional or ethical conduct by our faculty.

On April 21, 2021, the RRP determined that Professor Burnett's complaint was "not substantiated," and her appointment at Collin College expired on May 14, 2021.

In October 2021, Professor Burnett filed a federal complaint against Collin College and several of its administrative officers. In January 2022, Professor Burnett accepted an "offer of judgment" from the administration that included payment of $70,000 plus attorneys' fees and court costs.

IV. The Case of Professor Michael Phillips[24]

Dr. Phillips earned a master's degree at the University of California at Riverside and a PhD at the University of Texas at Austin, both in history. His research focuses on the history of race relations in Texas, and his first book, *White Metropolis*, which in 2007 won the Texas Historical Commission's T. R. Fehrenbach Award, describes the history of racism in Dallas. In fall 2007, he was appointed professor of history at Collin College's Plano campus. When Professor Jones's nonrenewal in May 2021 created a need for new leadership in the Collin chapter of the Texas Faculty Association, Professor Phillips assumed the vice presidency.

On January 28, 2022, in his fourteenth year of full-time service and the final year of a three-year appointment, Professor Phillips received notice of nonrenewal. Although the notice letter provided no reasons for the decision, the previous August Dr. Kristen Streater, dean of academic affairs and

23. In his response to the draft text of this report, the college's attorney elaborated on Professor Burnett's alleged "personal attacks and threats." On February 1, 2021, she posted to Twitter the names, contact information, and business affiliations of several trustees and encouraged her followers to "let them know what you think" about the administration's treatment of Professors Jones and Heaslip. According to the attorney, these posts constituted "personal attacks in a clear effort to interfere with the Board members' clients and business interests."

24. In March 2022, Professor Phillips filed a legal complaint against Collin College and its administrators. The suit was still pending when this report was published. On February 27, 2023, the college's attorney, responding to the AAUP's request for comment on the draft text of this report, informed the AAUP's staff that the college would "refrain from providing substantive comments to those sections of the Report" concerning Professor Phillips "given the pending litigation."

workforce development, and Dr. Michaelle O'Quin, associate dean of academic affairs, had recommended against his reappointment. In a "Recommendation for Faculty Contract Extension" dated August 31, 2021, they had cited two bases for their negative recommendation: (1) Professor Phillips's "ongoing failure to use the internal communication processes to address concerns he has with the organization's policies and protocols after multiple discussions and coaching"—a phrase that echoes the reasons repeatedly cited in the previous two cases; and (2) "student complaints related to [students'] perception of bias by Dr. Phillips's expression of his personal views in the learning environment, as evidenced by student evaluation comments and complaints."

Professor Phillips reported to the AAUP's staff that, at an August 31 meeting to discuss their recommendation, the two deans informed him that under Collin's policies he could appeal to an RRP and separately submit an application for a multiyear contract to the Council on Excellence (COE), an elected faculty body authorized to make recommendations concerning three-year contracts for Collin faculty members who have held three consecutive one-year appointments. They also informed him that they would develop a performance improvement plan before the senior administration made its final decision in January. On October 27, Associate Dean O'Quin provided Professor Phillips with that plan, which directed him to use "internal communication processes" for conveying his concerns about institutional policy and to "explore . . . resources on teaching strategies" for creating "a comfortable space for controversial discussions."

On September 14, 2021, Professor Phillips filed a complaint with an RRP concerning the deans' nonrenewal recommendation, alleging that the grounds for the action violated his First Amendment rights as well as Collin College policies on academic freedom. He also successfully petitioned the COE to recommend a new multiyear contract. However, under Collin's policies, COE recommendations, like those of the dean and associate dean, are forwarded to the vice president and provost, who make their own recommendations to the president. The senior administrators rejected the COE's recommendation.

It is evident, based on our interviews and review of the documents available to us, that the following events led to the administration's decision not to renew Professor Phillips's appointment.

A. Confederate Monuments Letter, Redux

As mentioned in the discussion of Professor Jones's case, on August 4, 2017, the *Dallas Morning News* published "Dallas' Confederate Memorials Scream 'White Supremacy,'" a letter authored by Professor Phillips and Mr. Edward H. Sebesta (an independent scholar who writes about the neo-Confederate movement). The letter called for the removal of Confederate monuments in the Dallas–Fort Worth area and for their replacement with representations of figures from US history who fought against racial injustice. Professor Phillips noted in his legal complaint that, in an August 22 meeting, Dr. Mary McRae, vice president and provost of the Wylie campus, and Dr. Millie Black, the then dean, gave him the same warning that administrators would relay to Professor Jones two days later: including his Collin College affiliation and his college email address in the published letter violated board policy because it created the impression that he was speaking on behalf of the college. Professor Phillips further noted that administrators told him, as they would Professor Jones, that the letter "made the college look bad" in the eyes of those who disagreed with the letter's recommendations.[25] He was shown a memorandum about faculty members' stating their institutional affiliations and was asked to add his initials to acknowledge having read it.

No disciplinary action was taken against Professor Phillips at that time, and his appointment was renewed for another three-year term in 2019. But an article in the *Chronicle of Higher Education* recounts an ominous discussion with President Matkin that took place shortly afterward:

> Phillips said he later had a conversation with Matkin about Confederate statues, and the president also expressed concerns that the professor's outspokenness could backfire.

25. Professor Phillips provided this committee with email messages documenting another incident where the administration prohibited even the mention of politics in connection with the college. In February 2020, Provost Barnes-Tilley instructed Professor Phillips to change the title of an upcoming talk by an outside speaker from "Schuyler's Monster (and Ours): Education, Ableism, and the *Politics* of Disability in the United States" to "Schuyler's Monster (and Ours): Education, Ableism, and the *Issues* of Disability in the United States" (emphases added). She offered the following rationale: "Since we remain apolitical at Collin College, we prefer that the title reflect that the program is going to discuss issues around disability." She directed him to resubmit any publicity materials for the talk to the administration for further review and approval. In its interviews, the investigating committee heard of a third incident in which an administrator reportedly asked a professor to change a public presentation that dealt with the pandemic.

> Phillips said the discussion had an ominous tone.
>
> "He just kind of smirked, and that's when he said, 'I just want to make sure you can keep doing your job.'"
>
> In a written response [to questions from the *Chronicle*], Matkin stated that he did not recall "this purported conversation from 2017" and that he had never threatened the man. Despite Phillips's "recurring ad hominem campaigns," Matkin said he had approved renewals of the professor's faculty contracts.[26]

B. *Washington Post* Interview

On August 3, 2019, Patrick Wood Crusius was arrested for carrying out a mass shooting at a Walmart in El Paso, Texas. He had killed twenty-three people and injured twenty-three others in what has been widely characterized as an act of domestic terrorism and the deadliest attack on Hispanic people in modern American history. Mr. Crusius had been a Collin College student for the two academic years preceding the attack. On the day of the shooting, President Matkin issued a statement acknowledging Mr. Crusius's matriculation at Collin, noting that the Collin community was "saddened and horrified by the news" and professing "heartfelt concern for the victims of the shooting and their loved ones." The following day the president emailed the statement to the Collin College community, directing recipients to "refer all press inquiries" to the president's office or public relations.

Shortly thereafter, Professor Phillips agreed to an interview with a *Washington Post* reporter interested in Professor Phillips's comments on the racial environment out of which Mr. Crusius had emerged. The story, published on August 9, contained the following paragraph: "Michael Phillips, a Collin College professor and historian of race relations in the Dallas–Fort Worth region, said some residents . . . espouse[d] racist sentiments. Shortly after the 2016 election, a flier in a Collin County town warned 'Muslims, Indians, Blacks, and Jews' to leave Texas and 'go back to where [they] came from' or face 'torture starting now.' While Crusius was a student at Collin College, fliers appeared on campus and in mailboxes around the county that spoke of dangers posed by immigrants, arguing that they are crime-prone and a threat to white women. Other fliers warned of harm from interracial dating, Phillips recalled."[27]

On August 14, Dr. Kirsten Streater, then associate dean for academic and workforce development on the Plano campus, met with Professor Phillips to discuss the interview. In an email exchange later the same day memorializing their conversation, Professor Phillips acknowledged that he had spoken with the reporter, but he also told the dean that he had asked that the reporter not identify him as a Collin College professor but only as "an author and scholar on race relations."

Dr. Streater advised Professor Phillips that, "going forward, if any member of the media contacts you about an event or incident related to the college, you are to direct them to contact the Collin College Public Relations Office and the President's Office. Regarding the current incident, you should have followed President Matkin's email directive. . . . I will be briefing [Provost] Barnes-Tilley about our conversation this afternoon."

Professor Phillips replied, "My interpretation of the email sent by Dr. Matkin was that we were not supposed to talk about the shooting itself or the student. I did not interpret that to mean that I could not respond to questions pertaining to my area of expertise. I did not believe that my comments were in violation of that directive, but I now understand that this view is not shared by the administration, and I will [act] according to my understanding based on today's conversation." He continued, "Upon reflection, however, I am concerned that the [administration's] response to the *Washington Post* story has a chilling effect on the faculty's free speech and is anomalous at institutions of higher learning. My concerns aside, I will follow the directive."

Several weeks later, on September 3, the administration issued Professor Phillips an "Employee Coaching Form" documenting the meeting with Associate Dean Streater and stating, "Expectations moving forward are [for you] to follow the President's directives when approached by the media." At the end of the academic year, Associate Dean Streater raised the incident in Professor Phillips's annual performance review: "As the fall semester began, he was interviewed by the *Washington Post* in spite of a directive by the college president's office to all Collin personnel to not speak to the press following the mass shooting in El Paso."

26. Vasquez, "That Man Makes Me Crazy."

27. Rachel Chason et al., "As His Environment Changed, Suspect in El Paso Shooting Learned to Hate," *Washington Post*, August 9, 2019, https://www.washingtonpost.com/national/as-his-environment-changed-suspect-in-el-paso-shooting-learned-to-hate/2019/08/09/8ebabf2c-817b-40a3-a79e-e56fbac94cd5_story.html.

C. Social Media Posts about the College's COVID-19 Policies

In his complaint to the RRP, Professor Phillips reported having met with Dr. Barnes-Tilley in June 2020, at her request, to discuss two posts he had made on his Facebook and Twitter accounts. According to Professor Phillips, neither of these social media accounts listed his Collin College affiliation. In his complaint, Professor Phillips summarized the first post as follows: "I described a nightmare I had in which I was at the college (unidentified in the post) and students were unmasked, leaning into each other's faces, and walking shoulder-to-shoulder. In that post, since deleted because of the intimidation I felt from the administration, I concluded, 'I'm afraid this is what is going to happen at my college this fall.'" He described the second as merely stating, "That feeling when your employer doesn't care about your health and safety."

Although the administration did not discipline Professor Phillips for these posts at that time, Dr. Streater referred to both in Professor Phillips's 2019–20 performance review. She wrote, "As the COVID shut down occurred and the college's re-opening plans were being discussed, Dr. Phillips published inaccurate information on his public Facebook page."

But he was disciplined for two posts he made a year later. At an August 11, 2021, meeting of Professor Phillips's division, Dr. O'Quin, who had succeeded Dr. Streater as associate dean following the latter's promotion to dean, gave a presentation regarding the college's COVID-19 policies. One of her PowerPoint slides stated that, because of an executive order from Texas governor Greg Abbott, Collin College "cannot have any written language (signs, syllabus) anywhere requesting/requiring/recommending (verb choice doesn't matter) masks" and that "we also cannot encourage folks to wear them in person." Professor Phillips posted a photograph of this slide on Facebook, commenting that the college's policy was based on a misinterpretation of the governor's order.

In another Facebook entry about the same presentation, posted a week later, Phillips wrote, "Faculty were told to not encourage mask use or talk about [its] importance. Faculty were told the state could fine the college if they mentioned masks. Simply having information on a website that masks are available or having them in the room is not the same thing as having role models encourage potentially life-saving behavior. Faculty believe they could get in trouble if they encourage masks. Nothing was ever said by the college administration to contradict this impression." In an August 20, 2021, Facebook post, Professor Phillips wrote, "Because of my childhood diabetes and the medication I'm taking that lowers immunity, I was eligible for a third Moderna shot. I'll need it this fall. I've been assigned to teach two classes with 36 students, one with 29, one with 18, and one with 17. Before the pandemic the college usually capped enrollment at 30 students."

In response to these posts, Dean Streater and Associate Dean O'Quin issued Professor Phillips a "Level 1 Disciplinary Warning" on August 27, four days before they recommended against the renewal of his appointment. After noting the informal meeting Professor Phillips had had with Dr. Barnes-Tilley in June 2020, the warning stated, "This continued conduct of ignoring requests by supervisors constitutes insubordination as defined by Board policy [on termination of appointments]. . . . Additionally, this conduct also violates Collin College's Code of Professional Ethics, . . . specifically the items listed below." The document then listed the following two standards: "The Professional Educator shall work to enhance cooperation and collegiality among students, faculty, administrators, and other personnel," and "The Professional Educator shall observe the stated policies and procedures of the College District, reserving the right to seek revision in a judicious and appropriate manner."

In her statement to the RRP, Dean Streater emphasized the necessity of private rather than public communication: "The way to solve concerns at the College is not to raise them on public social media outlets. The way to solve concerns at the College is to raise them through the College's internal communication channels, procedures, and protocols so that they can be addressed by those administrators who can create solutions. I have asked Dr. Phillips repeatedly to do this, and he has not done so. It was because of this repeated pattern of conduct that I felt a contract extension was not warranted for Dr. Phillips."

D. Alleged Bias in Teaching

By all accounts, Professor Phillips's record as a classroom instructor was strong. In the 2020–21 annual evaluation that immediately preceded his nonrenewal, Associate Dean O'Quin assigned a rating of "Meets the Expected Level of Performance"—the higher of the two ratings available—on every assessment item, including those related to instruction. However, as noted previously, Dean Streater and Associate Dean O'Quin's August 31, 2021, nonrenewal recommendation cited student complaints about Professor Phillips's allegedly biased "expression of his personal views." In the

performance improvement plan presented to Professor Phillips on October 27, Associate Dean O'Quin stated that "student evaluations reveal Dr. Phillips demonstrated a pattern of classroom bias on controversial issues as discussed in his 2020–2021 Annual Appraisal." Dr. O'Quin was apparently referring to her comments on Professor Phillips's student evaluations in the "Areas for Development" section of that evaluation: "While a number of Dr. Phillips's students were appreciative of his content delivery and his engaging lectures, student comments reflect that Professor Phillips struggled with presenting content in a manner that could be perceived as objective and unbiased." Dr. O'Quin then quoted three complaints selected from his student evaluations:

- "I censored my writing and work due to fear of retaliation of my rights and beliefs due to his strong views that were clearly expressed in his video lectures."
- "The bias is strong with this one. I have heard plenty of jabs at President Trump and America. No matter what side of the political spectrum you're on, you shouldn't let you're [*sic*] political bias show in a HISTORY class!"
- "The instructor also acts as if America is as bad as it was in the history lessons. Is there still racism? of course. But America has made vast improvements to end racism since the nineteenth and twentieth centuries. To act as if America will always be racist and is as bad as it was in the past is very disingenuous and is teaching a pretty morbid lessen [*sic*] to young students."

Dr. O'Quin concluded, "Dr. Phillips is expected to present content in his courses in a manner that provides a safe environment where students' perspectives can be considered and in a manner that cannot easily be perceived as biased."[28]

Professor Phillips told the investigating committee that, in response to the administration's directive prohibiting faculty members from encouraging students to wear masks, he decided that on the first day of the fall 2021 semester he would approach the topic obliquely. In all five of his classes, he discussed historical responses to previous pandemics, including the 1918–19 influenza pandemic. He discussed anti-masking movements from the second decade of the twentieth century, including the effects those efforts had had on attempts to mitigate the pandemic, and he encouraged students to learn from these historical examples.

Associate Dean O'Quin was evidently aware of Professor Phillips's strategy before she decided to recommend against renewing his appointment, although she does not specifically mention his promasking efforts in her August 31 nonrenewal recommendation. On September 17, Dr. O'Quin met again with Professor Phillips to discuss his conduct on the first day of classes. Less than two weeks later, on September 29, she issued Professor Phillips another disciplinary warning. This one does discuss his indirect attempts to encourage his students to wear masks:

> On August 24, 2021, [I] learned that some of Dr. Phillips's students were upset and confused about Collin's mask policy based on what they reported Dr. Phillips said in class. Students also complained of comments Dr. Phillips made of those who identify as Conservative. The students reported that they felt targeted by the statements Dr. Phillips made on the first day of class.
>
> [I] investigated these concerns and students confirmed the statements were made. One student indicated Dr. Phillips mentioned that students should be wearing masks and made a comment about those who chose not to wear them. That comment made the students feel degraded, embarrassed, singled out, bullied, and shamed. . . . One student reported that they contemplated dropping the class. Additionally, students reported that Dr. Phillips made a statement about Conservatives being racists which made them uncomfortable. Based on what has been reported, it is clear that several students felt targeted on the first day of class.[29]

28. Dr. Streater, when she was an associate dean, raised the same concern in Professor Phillips's 2019–20 annual review: "A few students also commented on Dr. Phillips's perceived over-emphasis on race to the detriment of a more complete picture of U.S. History."

29. Associate Dean O'Quin's RRP statement suggests that she based her reports of student distress on a complaint from a single student: "On August 24th, I received a visit from one of Dr. Phillips's students reporting that Dr. Phillips made statements on the first day of class regarding students who did not wear masks. The student reported feeling bullied, shamed, and singled out. The student said that she spoke with other students after class who felt the same way. This student went to the Dean of Students' office first and was directed to my office to register the complaint. The student inquired about options, including dropping the class."

Associate Dean O'Quin charged that this conduct violated "Collin's Core Values, including dignity and respect," as defined in board policy. When interviewed by this investigating committee, Professor Phillips sharply disputed these allegations: he had not, he said, suggested that political conservatives were racist, and he had assured students that they would not be penalized for not wearing masks.

As previously noted, Professor Phillips filed a complaint with an RRP on September 14, alleging that his deans' recommendation against renewal of his appointment violated his academic freedom and his First Amendment rights. The panel heard his case on October 6 and on October 27 found his allegations "not substantiated." He appealed that decision to Vice President and Provost McRae, who on December 17 affirmed the RRP's finding. Unlike Professors Jones and Burnett, Professor Phillips did not file a complaint regarding the final nonrenewal decision issued in January 2022, believing that doing so would be an exercise in futility. His appointment expired in May 2022.

In a remarkable development related to Professor Phillips's case, the AAUP's staff was contacted on May 26, 2022, by Professor Benjamin H. Johnson, president of the AAUP chapter at Loyola University Chicago (LUC). In an effort to support Professor Phillips, Professor Johnson had sent Collin's regional accrediting body a petition, signed by eighty-one historians who held appointments at Texas institutions or who studied the history of Texas, asking it to investigate the Collin administration's "questionable" record on academic freedom. Professor Johnson reported to the AAUP's staff that President Matkin had contacted Dr. Jo Ann Rooney, LUC's president, to ask whether Professor Johnson, in his communications regarding Collin College was speaking as a representative of Loyola University.[30] Professor Johnson also informed the staff that, at President Rooney's behest, two LUC deans had met with him and had asked him to clarify that he was acting in his individual capacity, which he did in a brief email message.

V. The Association's Involvement

Professor Burnett contacted the AAUP's staff in July 2020 for advice about the Collin administration's plans for reopening during the pandemic. Her message mentioned the Faculty Council's COVID-19 resolution and general faculty concerns about the state of shared governance. The staff replied with an explanation of Association-supported standards on academic governance and a link to AAUP resources on pandemic-related issues. Professor Burnett contacted the staff again on October 12, following the turbulent weekend when conservative outlets' negative coverage of her tweets concerning the vice-presidential debate provoked a torrent of harassment. She wrote that she feared that the administration planned to take severe disciplinary action against her, perhaps terminating her appointment. The next day she notified the AAUP's staff that she had received the "Employee Coaching Form" mentioned above, and she asked for advice concerning AAUP-supported procedural standards for dismissal. The staff advised her accordingly and sent her AAUP resources on targeted harassment.

Professor Jones contacted the staff on January 28, 2021, the day she received notice of nonrenewal. On February 18, Professor Audra Heaslip, like Professor Jones a full-time faculty member whose length of service had exceeded the Association-recommended seven-year maximum probationary period, contacted the staff to discuss the administration's termination of her services for stated reasons similar to those given Professor Jones. On March 2, the staff wrote President Matkin, copying the chair of the board of trustees and others, to convey the Association's concern that the administration's actions in both cases appeared to be dismissals of postprobationary faculty members without affordance of academic due process and for reasons that seemed to violate their academic freedom.

Shortly thereafter, on March 17, Professor Burnett informed the staff that she had received notice of nonreappointment. On March 20, while still awaiting a reply to its first letter concerning Professors Heaslip and Jones, the staff sent President Matkin a follow-up letter reiterating the AAUP's concerns in those cases and conveying additional concerns about Professor Burnett's case.

With no reply evidently forthcoming, the staff sent a third letter to President Matkin on April 16, advising him that "absent a resolution or substantive response" to the Association's concerns, the staff would recommend to the AAUP's executive director that she authorize an investigation into the three cases. On May 12, the staff notified the Collin administration that an investigation had been authorized.

30. Josh Moody, "Collin College Protests Loyola Chicago Professor's Speech," *Inside Higher Ed*, June 1, 2022, https://www.insidehighered.com/quicktakes/2022/06/01/collin-college-protests-loyola-chicago-professor's-speech.

On May 18, President Matkin sent his first reply to the staff. His letter emphasized that Collin College has no formal tenure system, that the college was under no legal obligation to comply with AAUP-supported standards, and that the college's regulations recognized faculty members' academic freedom. He characterized the staff's communication with the administration as "nothing more than an attempt to exert undue influence" on the college and its trustees, and he directed the staff to send all future correspondence to the college's general counsel "and not to any Board member or employee of the College."

Shortly before the investigation was announced, Professor Heaslip suspended her participation on the advice of her attorney. She suggested that she might be able to rejoin later in the summer, but on June 30, she informed the staff that "due to the legal agreements [she had] made with the college, [she would not] be able to participate in any way in the AAUP investigation." On June 14, as interviews with the investigating committee were being scheduled, Professor Jones informed the staff that she was also suspending her participation in the investigation, on the advice of the same attorney.

As a result of Professor Heaslip's and Professor Jones's withdrawal, the AAUP's executive director suspended the investigation in July 2021 pending further developments.

In early February 2022, the staff became aware of Professor Phillips's case from media reports. When the staff contacted him to ascertain whether he wished to seek the Association's assistance, he responded affirmatively and agreed to participate in the investigation if it were reactivated. Having also learned from press accounts that Professor Jones had changed attorneys, the staff emailed her to inquire whether she would be willing to resume her participation. She readily assented. When the staff reached out to Professor Burnett with the same question, she confirmed that she, too, was interested in renewing her participation.

On March 28, the staff wrote Collin's general counsel to convey the Association's concern that the administration's action against Professor Phillips had been effected in apparent violation of Association-supported procedural standards and principles of academic freedom. The letter also informed the Collin administration that, with the renewed participation of Professors Jones and Burnett, the investigation had resumed.

The general counsel's May 3 reply reiterated the points President Matkin had made in his earlier letter and stated that the administration would decline to participate in the investigation: "The College will defend [itself against] the allegations in court and not before the AAUP."

The undersigned investigating committee convened in June 2022 and conducted a series of virtual interviews with six former and current Collin College faculty members, including the three subject faculty members, in July 2022. This report is based on those interviews, press reports, and examination of the extensive documentation.[31]

VI. Issues

The sections that follow discuss procedural concerns, academic freedom, shared governance, and the climate for academic freedom.

A. Procedural Concerns

All three cases directly implicate core AAUP-supported procedural standards.

1. Summary Dismissals of Professors Jones and Phillips

As previously noted, Collin College does not grant indefinite tenure; instead, all faculty members serve on renewable term appointments. However, under the 1940 *Statement of Principles on Academic Freedom and Tenure*, jointly formulated by the AAUP and the American Association of Colleges and Universities (AAC&U), all faculty members "should have permanent or continuous tenure" following "the expiration of a probationary period," which the statement sets at seven years. Thus, as Regulation 1b of the AAUP's derivative *Recommended Institutional Regulations on Academic Freedom and Tenure* states, "With the exception of special appointments clearly limited to a brief association with the institution, all full-time faculty appointments are of two kinds: (1) probationary appointments; (2) appointments with continuous tenure." Hence, full-time faculty members reappointed beyond the maximum probationary period have de facto tenure, regardless of whether their institutions regard them as tenured. As the AAUP's staff emphasized in its communications with President Matkin, the AAUP accordingly considers Professor Jones, with

31. As noted above, President Matkin had directed the AAUP's staff to correspond only with the college's general counsel and not with any administrator, board member, or employee of the college. Only a handful of the current Collin faculty members the staff contacted for potential interviews responded, perhaps because of a "climate of fear and intimidation" to which interviewees later attested.

almost nine years of full-time service at the time of her "nonrenewal," and Professor Phillips, with nearly fourteen at the time of his, as having attained tenured status. Since the AAUP understands tenure to be an indefinite appointment terminable only for cause, or under extraordinary circumstances because of a bona fide financial exigency or program discontinuance, a tenured appointment is not subject to renewal or nonrenewal. It can only be terminated. If the basis for termination is related to professional fitness, as is it was in these two cases, the termination must be preceded by a dismissal-for-cause hearing.

AAUP-recommended procedural standards governing such a hearing are set forth in Regulation 5 of the *Recommended Institutional Regulations*. They entail an adjudicative hearing of record before an elected faculty body, in which the burden of demonstrating adequate cause for dismissal rests with the administration. Such cause must be "directly and substantially" related to faculty members' fitness in their "professional capacities as teachers or researchers," as established by a standard of "clear and convincing evidence in the record considered as a whole."

As the college does not grant tenure, no Collin College faculty member is entitled under the college's regulations to such a procedure prior to involuntary separation from service. As a result, Professors Jones and Phillips availed themselves of the only recourse available—the dubious opportunity to file a grievance against the administration with an administrative body, the Resolution Review Panel, and to attempt to persuade that body, on the narrow grounds of "violation of college policy," that the administration had acted improperly, a difficult, if not impossible, bar to surpass.

This investigating committee therefore concludes that the administration's actions to terminate the services of Professors Jones and Phillips by nonrenewing their appointments were summary dismissals effected in violation of the joint 1940 *Statement of Principles on Academic Freedom and Tenure*.

2. Terminal Notice or Severance Salary

Regulation 8 ("Terminal Salary or Notice") of the *Recommended Institutional Regulations* provides that, unless "there has been a finding that the conduct which justified dismissal involved moral turpitude," tenured faculty members whose appointments are terminated for cause are entitled to one year of notice or severance salary. Moreover, "on the recommendation of the faculty hearing committee or the president, the governing board, in determining what, if any, payments will be made beyond the effective date of dismissal, may take into account the length and quality of service of the faculty member." Both Professor Jones, in her ninth year of service, and Professor Phillips, in his fourteenth, were notified in January that their appointments would end in May, and neither received any severance pay. The stated reasons for dismissing them, moreover, did not even approach moral turpitude, which the AAUP defines as "behavior that goes beyond warranting discharge and is so utterly blameworthy as to make it inappropriate to require the offering of a year's teaching or pay."[32] This committee accordingly finds that, in the cases of Professors Jones and Phillips, the Collin administration violated AAUP-supported standards on notice or severance salary.

3. Nonrenewal of Professor Burnett's Appointment[33]

At the time she received notice of nonrenewal, Professor

32. AAUP-AAC&U 1970 Interpretive Comment 9 on the 1940 *Statement of Principles*.

33. Faculty members serving on probationary appointments are typically evaluated for reappointment, and eventually tenure, based on their teaching, scholarship, and service. If those involved in their evaluation deem their performance in these areas to have fallen short of the institution's standards for reappointment, they may reach a decision not to renew the appointment. Thus, nonrenewal decisions are not the same as dismissals for cause, in which the administration brings charges of misconduct or incompetence that it believes warrant termination of a tenured appointment or a term appointment prior to its expiration. A dismissal for cause, as described in the previous section, calls for the entire panoply of academic due process. Although few would describe Collin College as typical, especially when it comes to faculty personnel matters, it may be worth noting that Professor Burnett's nonrenewal was atypical in that its stated basis was not Professor Burnett's failure to meet the standards for reappointment in her teaching, scholarship, and service. Its stated basis was misconduct. Thus, in a sense, she was nonreappointed for cause. The AAUP has not issued separate procedural standards addressing such a situation, and it could be argued that the requisite academic freedom protections are available for such cases under Regulation 10 (as noted in this section). And while the issue was touched on in the Association's 1995 report of an investigation at the University of Southern California, the investigating committee's procedural recommendation is not particularly useful with regard to Professor Burnett's case, since it assumes that the nonreappointment decision was made by a faculty body (standard practice at USC but not at Collin College): "Elementary justice requires that probationary faculty members not be denied reappointment on grounds of misconduct unless the most careful assessment of the charges against them has been made. Appropriately careful assessment, in the committee's view, should meet four requirements: (i) that the faculty member be supplied with the specific charges in writing, (ii) that the charges be set forth with reasonable

Burnett was serving the second of two one-year renewable term appointments as a full-time faculty member. Hence, under Association-supported standards, her appointment was probationary for tenure, regardless of how her institution classified it, and any nonrenewal was accordingly governed by Regulations 2, "Probationary Appointments," and 10, "Complaints of Violation of Academic Freedom or of Discrimination in Nonreappointment," of the *Recommended Institutional Regulations*. Under these regulations, full-time faculty members whose term appointments are not renewed are entitled to (1) timely written notice of their nonrenewal decision (Regulation 2c): three months for faculty members in their first year of service, six months for faculty members in their second year, and twelve months for faculty members in their third year of service and beyond; (2) a statement of reasons for the nonrenewal, in writing if so requested (Regulation 2e); and (3) the opportunity to petition an appropriate elected faculty committee to review their allegations that the decision was based upon inadequate consideration, was discriminatory, or violated their academic freedom (Regulations 2g and 10). Under Regulation 10, if the faculty member makes a prima facie argument that the adverse decision was the result of considerations that violated the faculty member's academic freedom, the faculty review committee may hold a formal hearing on the issue in which the administration will bear the burden of proof.

Collin College regulations governing nonrenewal fall far short of these standards. (1) At Collin, the schedule for notice of nonrenewal is determined not by the length of faculty members' service but by the length of their current appointment: notice is owed by January 31 (four months of notice) for full-time faculty members serving on three-year appointments and by March 1 (three months) for those serving on one-year appointments, even for those who have served for decades. (2) There is no requirement that the faculty member be provided with reasons for nonrenewal, much less in writing. (3) Collin faculty members who wish to appeal a nonrenewal decision are not entitled to petition an elected faculty committee for review, but, as evident in all three cases under discussion, have recourse only to Collin's general complaint policy, under which faculty members' complaints are heard by an RRP consisting of three administrative officers.[34]

Professor Burnett did receive written reasons for her nonrenewal. However, the February 25 notice of nonrenewal she received was more than two months past the AAUP's December 15 deadline for full-time faculty members in their second year of service. Moreover, Professor Burnett was not afforded the opportunity to petition an elected faculty committee to review her allegations that the administration based its nonrenewal decision on considerations that violated her academic freedom. This committee finds that, by not affording Professor Burnett timely notice of nonrenewal and, even more egregiously, by denying her the opportunity to ask a body of professional peers to assess her academic freedom claim, the Collin College administration disregarded the 1940 *Statement of Principles* and Regulations 2 and 10 of the derivative *Recommended Institutional Regulations*.

B. Academic Freedom

Under the 1940 *Statement*, faculty members are entitled "to full freedom in research and in the publication of the results"; "to freedom in the classroom in discussing their subject"; and to freedom "from institutional censorship or discipline when they speak or write as citizens" (that is, freedom of extramural speech or utterance). As the AAUP's *Protecting an Independent Faculty Voice: Academic Freedom after* Garcetti v. Ceballos (2009) notes, faculty members' intramural speech—that is, speech concerning "any matter of institutional policy or action"—also falls under the protection of academic freedom.

Like the 1940 *Statement*, the Collin College statement on "employee expression and academic freedom" bases its justification of academic freedom on promoting the common good. And, like the 1940

particularity, (iii) that the faculty member be provided with time in which to formulate a response to the charges, and (iv) that the faculty member be given an opportunity to present his or her response in an appearance before the decision-making body."

34. Under AAUP-supported procedural standards, faculty members have the right to petition a faculty committee to review any adverse personnel action, not just reappointment. As noted above, the administration issued Professors Burnett and Phillips "Level 1 Warnings." These appear to be essentially letters of reprimand and thus minor sanctions to which Regulation 7b of the *Recommended Institutional Regulations* applies. Under Regulation 7b, faculty members are entitled to contest the imposition of a minor sanction with a faculty review committee following a process set forth in Regulation 16, "Grievance Procedure," of the *Recommended Institutional Regulations*. Under Collin's policies, no faculty grievances are reviewed by an elected faculty committee.

Statement, the language of which it echoes, it calls for faculty members to be protected in their capacities as teachers, researchers, and citizens, though not to the same extent as the 1940 *Statement*, nor does the Collin statement acknowledge that faculty members' intramural speech is protected. In the classroom, faculty members "have the freedom to discuss any controversial matter and to voice opinions within areas of their professional competence. At the same time, they have an obligation to acquaint students with other scholarly opinions on the subject" (the 1940 *Statement* does not limit faculty members' classroom speech to "areas of professional competence" or require them to "acquaint students with other scholarly opinions on the subject"). Regarding extramural speech, Collin's policy states (in language similar to that of the 1940 *Statement*), "Outside the classroom, faculty members are free from institutional censorship or discipline for exercising their rights as private citizens to express themselves freely on matters of public concern, to associate with persons or groups as they so choose, and to participate in political or other kinds of activities."

1. Extramural Speech

In the cases under investigation, the subject faculty members found themselves in trouble in part because of speech exercised in their capacity as citizens and thus, under the 1940 *Statement*, protected under principles of academic freedom. The administration had taken Professor Jones to task for including her institutional affiliation with her signature on the Confederate monuments letter, an instance of extramural expression acknowledged by Vice President Jenkins to have been one basis for the nonrenewal. Another was the alleged failure of Professor Jones, as an officer of the Texas Faculty Association, to heed administrators' warnings against allowing Collin College to be named in any connection with the TFA. In the case of Professor Burnett, what President Matkin characterized as her "hateful, vile, and ill-considered Twitter posts" during the US vice-presidential debate sparked the chain of events leading to her nonrenewal. The administration's stated basis for the nonreappointment of Professor Phillips did not include his coauthorship of the Confederate monuments letter (though we find it odd that the administration cited Professor Jones's mere endorsement of the letter as a basis for her nonrenewal) or his granting the *Washington Post* interview. Nevertheless, he was warned—formally with regard to the interview—not to repeat these alleged offenses.

The Association's foundational pronouncement on extramural expression is the *Committee A Statement on Extramural Utterances* (1964). It articulates the following "controlling principle": "A faculty member's expression of opinion as a citizen cannot constitute grounds for dismissal unless it clearly demonstrates the faculty member's unfitness for his or her position. Extramural utterances rarely bear upon the faculty member's fitness for the position. Moreover, a final decision should take into account the faculty member's entire record as a teacher and scholar." *Protecting an Independent Faculty Voice* goes further, asserting that freedom of extramural speech should exempt professors from any "institutional discipline or restraint, save in response to fundamental violations of professional ethics or statements that suggest disciplinary incompetence." In other words, under principles of academic freedom, faculty members should be sanctioned for their extramural speech only when that speech demonstrates professional unfitness. For this reason, Association-supported procedural standards accord faculty peers, rather than administrative officers, the primary role in reviewing disciplinary actions against faculty members. As Collin's policies, regrettably, do not accord the faculty that role, the administration reviewed its own disciplinary actions against the three faculty members.

Had the Collin administration followed AAUP-supported procedural standards, its charges against Professors Jones and Phillips would have been heard by an elected faculty committee, with the administration's having to bear the burden of demonstrating that these instances of extramural speech warranted dismissal. Had such a procedure been afforded them, this committee ventures to say that no duly constituted body of faculty peers would have found "by clear and convincing evidence in the record considered as a whole" that these instances of extramural speech constituted such a gross violation of professional ethics as to justify dismissing these two long-serving faculty members from the Collin College faculty. In this committee's judgment, while some of their utterances may have involved minor unintentional errors, none of them constituted "fundamental violations of professional ethics or . . . suggest[ed] disciplinary incompetence."

Had the administration observed AAUP-supported standards in the case of Professor Burnett, it would have afforded her the opportunity to ask an elected faculty committee for review. Under those standards,

as previously explained, if she were able to make the case that the nonreappointment was based on considerations that violated her academic freedom, the burden of proof would have shifted to the administration to provide sufficient evidence for the decision. Some of her extramural expressions may have been profane, confrontational, or offensive; as with her colleagues, some may have involved unintentional errors. Nevertheless, this committee is not persuaded—nor does it believe that the general academic community would be so persuaded—that her extramural statements demonstrated professional unfitness.

This committee, furthermore, finds implausible the administration's denial that its actions were based on the political or controversial nature of the faculty members' extramural speech. This denial is difficult to take seriously when viewed in a wider context that includes Dr. Collins's diatribe against "ultraliberal, anticapitalism, socialistic professors"; administrators' expressions of concern that faculty members' remarks about Confederate memorials would "make the college look bad"; the administration's eagerness not to be associated with an organization (the TFA) "whose mission and goals are focused on protecting employees' rights, advancing the tenure system, [and] advancing fair and equitable compensation"; and President Matkin's remarks about Professor Burnett's vice-presidential debate tweets, including his conveying to a state legislator that he was "aware" of the situation, that Professor Burnett was "already on his radar," and that he would "deal with it."

In all three cases, the failure to afford the due process required under normative academic standards means that a critical allegation made by Professors Jones, Burnett, and Phillips—that the Collin College administration's actions against them violated their academic freedom relating to extramural speech—stands unrebutted.

2. Extramural Speech and Institutional Affiliation

An unusual feature of the cases that led to this investigation, especially the case of Professor Jones, is the administration's insistence that faculty members take extreme measures to disassociate their appointing institution from any organizations or undertakings of which the administration disapproves. As this report has described, one of the grounds for the action against Professor Jones was that she had "misused the college's name" by allowing her institutional affiliation to be included with her signature on the Confederate monuments letter and by failing to expunge every mention of Collin College from the TFA website and Facebook page.

The rule cited by Collin administrators in justifying their action in this regard was the following (from the college's academic freedom policy): "When faculty and support staff speak or write as private citizens, however, they must bear in mind that their actions will inevitably be judged by the public and reflect upon their profession and institution. Therefore, faculty and support staff will . . . *indicate clearly that they are not an official spokesperson for the College District*" (emphasis added). Neither Professor Burnett nor Professor Phillips was explicitly sanctioned for violating this rule, but Professor Burnett, as noted above, took pains to disassociate her social media accounts from the college, and, as also noted earlier, administrators did upbraid Professor Phillips for allowing himself to be identified as a Collin College faculty member in both the Confederate monuments letter and in his *Washington Post* interview.

Ironically, this policy that faculty members, when speaking extramurally, will clarify that they are not an official spokesperson for Collin College derives from the 1940 *Statement of Principles*, as indeed does the entire Collin College policy on academic freedom. The third paragraph of the 1940 *Statement* contains the "admonitions" attaching certain responsibilities to extramural speech.[35] The last of these admonitions is that faculty members speaking extramurally "should make every effort to indicate they are not speaking for the institution."

The AAUP's position on this admonition, however, is not identical with the one Collin administrators used against Professors Jones and Phillips. The Association has for many years recognized that in the many contexts in which faculty members typically list their institutional

35. In 1970, the AAUP and the AAC&U published nine "interpretive comments" on the 1940 *Statement*, the fourth of which elaborates on this paragraph, first, by emphasizing that if a faculty member's extramural speech is "such as to raise grave doubts concerning the teacher's fitness," the administration may initiate disciplinary action as long as it recognizes that "teachers are citizens and should be accorded the freedom of citizens" and observes AAUP-supported standards of academic due process. More important, Interpretive Comment 4 also quotes the passage cited above from the *Committee A Statement on Extramural Utterances*, thus reiterating the AAUP's fundamental position that extramural speech should not result in dismissal except on those "rare" occasions when it demonstrates that the faculty member is professionally unfit and only after taking into account the professor's entire record of teaching and scholarship.

affiliations for identification purposes, the relationship between a faculty member's views and those of his or her institution will be so obvious as to require no clarification. The AAUP first articulated this position as long ago as 1949, in its investigative report on the case of Professor George F. Parker at Evansville College (now the University of Evansville). The college's president had summarily dismissed Professor Parker for speaking at an election rally for presidential candidate Henry A. Wallace while having allegedly failed to observe the admonition, articulated in college policy, to "make every effort to indicate that he is not an institutional spokesman." Committee A on Academic Freedom and Tenure, which conducted the investigation, cited a hypothetical example to illustrate the ludicrousness of this ground for dismissal: "As to the necessity of a formal disavowal of institutional spokesmanship, the circumstances should determine the matter. For example, it would be unnecessary, when speaking in support of a Boy Scout drive, to announce: 'my sentiments on this occasion are not necessarily those of Blank College.' The rule of reason would be to clarify the relationship if it is not already clear." The 2003 report of the investigating committee in the case of University of South Florida faculty member Sami Al-Arian also addressed this topic. The USF administration summarily suspended Professor Al-Arian for, among other things, supposedly disregarding the institution's rule that a professor should "indicate when appropriate that one is not an institutional representative" during an appearance on the *O'Reilly Factor*, a Fox News Channel program. The investigating committee found that, while the host had identified Professor Al-Arian as a USF faculty member, the committee could "find no basis . . . for concluding that Professor Al-Arian disregarded the expected norm of professional conduct with respect to separating his activities as an individual engaging in public discourse from instances in which he spoke . . . 'institutionally,' on behalf of his institution as such." And the committee further observed, "Professor Al-Arian obviously did not preface each of his off-campus interviews or appearances with a disclaimer—for example, 'None of my remarks should be misunderstood to represent the views of the University of South Florida, or any division, department, or group associated with the university, its alumni, its administration, or its board of trustees'—but the investigating committee can find no reasonable warrant for such an extraordinary and gratuitous disclaimer."

In contrast to the AAUP's position that, normally, it will be so evident that a faculty member is not speaking for his or her appointing institution that no disclaimer is necessary, the Collin administration takes the extreme—and, with respect to academic freedom, impermissible—position that indicating "clearly that they are not an official spokesperson for the College District" means that faculty members engaging in extramural activity cannot allow the college's name to be associated with any ideas or organizations of which the administration might disapprove. In the case of Professor Jones, this prohibition forced her not only to delete any reference to her appointing institution in her TFA officer listing but to expunge any reference to Collin College on the TFA's website and Facebook page, even though the chapter consisted only of Collin College faculty members. In his October 9, 2020, email to Professor Jones, Dean Evans wrote that associating the college's name with the college's TFA chapter "may also be considered misleading if the [administration] has not in some way approved of the chapter" and that the administration would therefore "need to provide some level of approval for the chapter to utilize the college name." In her response to Professor Jones's RRP complaint, Vice President Jenkins asserted, "Faculty are encouraged to be involved in professional development organizations and their involvement is a source of pride for the college [that is, the administration]." But some organizations are apparently not a "source of pride." Quite the contrary. She continued, "The TFA is a union whose mission and goals are focused on protecting employees' rights, advancing the tenure system, advancing fair and equitable compensation, etc." The AAUP could be described in similar terms. Such organizations, in the words of Dr. Jenkins, are not "recognized and supported" by the college administration, and therefore faculty members who belong to these organizations must take pains not to publicly associate the name of Collin College with them. According to President Matkin and Vice President Jenkins, failure to do so is a "misuse of the college's name," which is also the offense they charged Professor Jones with committing when she signed the letter calling for the removal of Confederate monuments, making, they said, the college "look bad."

It is difficult to imagine that any reasonable person would assume that a faculty member who engaged in any of these extramural activities was acting "as an official spokesperson for the College District," and in fact, with respect to Professors Jones, Burnett, and Phillips, the Collin administration never insisted that such confusion was likely to result. Of course,

President Matkin did take the extraordinary step of contacting Loyola University Chicago president Rooney to ask the plainly ridiculous question whether LUC professor Johnson, in encouraging fellow historians to write Collin's accreditor to protest Professor Phillips's dismissal, was speaking as a representative of Loyola Chicago. Because it is difficult to imagine that President Matkin actually believed that Professor Johnson was speaking as an official representative of his university, we can only assume that President Matkin's contacting President Rooney was merely an attempt—in which, sadly, President Rooney seems all too readily to have assisted—to intimidate Professor Johnson from exercising his right to extramural speech.

3. Intramural Speech

The Association's understanding of academic freedom encompasses the right of faculty members to engage in speech or conduct as "officers of an educational institution," that is, as participants in institutional governance. As the AAUP statement *On the Relationship of Faculty Governance to Academic Freedom* (1994) asserts, "The academic freedom of faculty members includes the freedom to express their views . . . on matters having to do with their institution and its policies, . . . and to do so even if their views are in conflict with one or another received wisdom." Although the AAUP's principles of shared governance affirm that an institution should have recognized agencies and structures through which the faculty may present its views, those principles do not suggest that the right of faculty members to comment on institutional policies must be restricted to those official channels. As previously noted, the Collin College academic freedom statement does not address intramural speech and expression.

The Collin administration sanctioned all three subject faculty members for expressing views critical of the administration's policies and actions, especially those related to COVID-19. One rationale for Professor Jones's nonrenewal cited her January 2021 Facebook post in which she asked her readers to email President Matkin and urge him to allow faculty members able to teach online to do so until a vaccine became available. Vice President Jenkins characterized the post as Professor Jones's use of "external pressure" to "undermine decisions" undertaken by the board instead of employing "normal communication channels," that is, by sharing any concerns privately with her associate dean, dean, and provost. President Matkin concurred in the decision not to renew Professor Jones's appointment "because," he wrote, "she chose to operate outside of the college's shared governance, lines of communication, and resources." The administration disciplined Professor Burnett, according to Dr. Matkin, for "air[ing] her private personnel concerns in public, rather than attempting to address or redress them internally," when she confronted him about his critique of her vice-presidential debate tweets on "eight college email distribution lists." The administration based its action against Professor Phillips, in part, on his alleged "ongoing failure to use the internal communication processes to address concerns he has with the organization's [COVID-19] policies and protocols after multiple discussions and coaching," and his opting instead to publish his criticisms on social media.

In justifying its actions, the administration cited the provision in the college's code of professional ethics encouraging faculty members to "seek revision" of institutional policies "in a judicious and appropriate manner."[36] The administration also cited the following sentences from the college policy on employee rights and privileges: "Faculty members will recognize their responsibility to adhere to the policies and procedures of the institution. Therefore, faculty members who have differences of opinion with existing or proposed policies or procedures will express these views through the standing committee structure of the College District or their supervising administrators." This second regulation implies that institutional policy requires faculty members to convey disagreement either through existing governance bodies or directly to their administrative superiors. But neither regulation states that faculty members who disagree with institutional decisions must express dissenting views *only* through institutional channels. Unfortunately, the latter seems to be the administration's official policy.

Beyond insisting that faculty members convey any dissenting views only through administratively approved means and never publicly, the Collin administration evidently takes the position that once the administration and governing board have made a decision, faculty members must accept it and offer no further criticism—public or private. Vice President

36. A parallel sentence from the AAUP's *Statement on Professional Ethics*, upon which the Collin College code is evidently based, reads, "Although professors observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain the right to criticize and seek revision." It says nothing about "a judicious and appropriate manner."

Jenkins put it clearly in her response to Professor Jones's RRP complaint: "Shared governance allows for diverse opinions to be considered," but, she continued, "everyone will not get what they want. . . . [O]nce strategic or operational decisions are made," faculty members must accept, support, and implement them. Regarding Professor Jones, the vice president opined, "it [was] my expectation that, as an employee, [she] would have supported those decisions and worked collaboratively to achieve agreed upon outcomes." The committee notes that the subject faculty members did convey their views through the limited governance structures available to them, such as the Collin Faculty Council, of which Professor Jones was an elected representative, and the COVID-19 reopening task force. Regrettably, as the preceding discussion illustrates, the position of the Collin administration is that faculty speech critical of the administration and its policies is not only restricted to administratively approved internal means of communication but essentially prohibited once institutional authorities have reached a decision. This position seems to approximate an almost total ban on public dissent and criticism. It should go without saying that such a stance is utterly incompatible with AAUP-supported principles on academic freedom.

4. Electronic Communications

Since all of the expression for which the Collin administration punished the three subject faculty members was conveyed through electronic means, this committee would be remiss if it did not cite the standards articulated in the AAUP's *Academic Freedom and Electronic Communications*, a report first published in 1997 and revised in 2004 and 2013. It begins by stating the fundamental principle that "academic freedom, free inquiry, and freedom of expression within the academic community may be limited to no greater extent in electronic format than they are in print." Regarding extramural speech and social media, the report quotes the *Committee A Statement on Extramural Utterances* and then notes, "Obviously, the literal distinction between 'extramural' and 'intramural' speech—speech outside or inside the university's walls—has little meaning in the world of cyberspace. But the fundamental meaning of extramural speech, as a shorthand for speech in the public sphere . . . fully applies in the realm of electronic communications, including social media." On the issue of disclaiming institutional representation, the report concludes, "Disclaimers may be useful, though their value is often exaggerated. However, the nature of electronic communication itself tends to decontextualize meaning and attribution, and faculty members cannot be held responsible for always indicating that they are speaking as individuals and not in the name of their institution, especially if doing so will place an undue burden on the faculty member's ability to express views in electronic media." And with respect to intramural speech, the report notes, "The AAUP has upheld the right of faculty members to speak freely about internal college or university affairs as a fundamental principle of academic freedom that applies as much to electronic communications as it does to written and oral ones. This includes the right of faculty members to communicate with one another about their conditions of employment and to organize on their own behalf."

5. Freedom in the Classroom

The case of Professor Phillips, in contrast to those of Professors Jones and Burnett, directly implicates academic freedom in the classroom. In addition to an alleged "ongoing failure to use internal communication processes to address [his] concerns," his January 2022 nonrenewal notice cites "student complaints related to their perception of bias by Dr. Phillips's expression of his personal views in the learning environment, as evidenced by student evaluation comments and complaints."

The 1940 *Statement* affirms that faculty members are "entitled to freedom in the classroom in discussing their subject," while cautioning that they "should be careful not to introduce into their teaching controversial matter which has no relation to their subject."[37] An "interpretive comment" added by the AAUP and AAC&U in 1970, however, clarifies that "the intent of this statement is not to discourage what is 'controversial.' Controversy is at the heart of the free academic inquiry which the entire statement is designed to foster. The passage serves to underscore the need for teachers to avoid persistently intruding material which has no relation to their subject."

The Collin College administration did not allege that Professor Phillips persistently raised irrelevant topics. Instead, it contended that he presented his own views on the controversial historical and political

37. Collin College's policy on academic freedom similarly states that "faculty members are entitled to all rights and privileges of academic freedom in the classroom while discussing the subjects they teach," but they "will be judicious in the introduction of material in the classroom without forfeiting the instructional benefits of controversy."

topics under discussion; that several students reported perceiving him as "biased," especially on issues of conservative politics and race; that at least one student reported "censoring" himself in his coursework out of fear of retaliation for his own views; and that one student reported feeling that Professor Phillips's remarks on the first day of classes in August 2022 had "targeted" conservatives for their views on race and COVID-19.

It is not uncommon for students to complain of "bias" or "targeting" when faculty members express their personal views on a controversial issue in their subject areas. However, as the staff observed in the AAUP's March 28, 2022, letter to the administration about Professor Phillips's case, academic freedom in teaching "extends to the presentation of the instructor's own judgments on these matters." The letter went on to quote from the AAUP's *Freedom in the Classroom* (2007): "If an instructor has formed an opinion on a controversial question in adherence to scholarly standards of professional care, it is as much an exercise of academic freedom to test those opinions before students as it is to present them to the public at large."

Freedom in the Classroom also distinguishes between disrespecting or harassing students for their views and challenging or scrutinizing those views:

> An instructor may not harass a student nor act on an invidiously discriminatory ground toward a student, in class or elsewhere. It is a breach of professional ethics for an instructor to hold a student up to obloquy or ridicule in class for advancing an idea grounded in religion, whether it is creationism or the geocentric theory of the solar system. It would be equally improper for an instructor to hold a student up to obloquy or ridicule for an idea grounded in politics, or anything else.
>
> But the current application of the idea of a "hostile learning environment" to the pedagogical context of higher education presupposes much more than blatant disrespect or harassment. It assumes that students have a right not to have their most cherished beliefs challenged. This assumption contradicts the central purpose of higher education, which is to challenge students to think hard about their own perspectives, whatever those might be. It is neither harassment nor discriminatory treatment of a student to hold up to close criticism an idea or viewpoint the student has posited or advanced. Ideas that are germane to a subject under discussion in a classroom cannot be censored because a student with particular religious or political beliefs might be offended.

This passage ends with observations that seem particularly relevant to Professor Phillips's case: "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."

In the view of this committee, presenting historical examples of current issues, offering professional opinions, challenging students' views, and calling upon students to consider how the past informs the present are sound pedagogical strategies, regardless of whether some students might feel uncomfortable. As *Freedom in the Classroom* observes, there is a difference between harassing students because of their beliefs and challenging them to think about those beliefs, which some would argue is a central purpose of higher education. In our judgment, the Collin administration, instead of attempting to distinguish between Professor Phillips's duty to challenge students intellectually and the validity of student reports of harassment, seems to have been principally concerned with providing students with "a safe environment" and a "comfortable space for controversial discussions," to use the operative phrase from Professor Phillips's performance improvement plan.

The committee does recognize that the administration's allegations about Professor Phillips's classroom conduct on the first day of classes of the fall 2021 semester include the charge that he "made the students feel degraded, embarrassed, singled out, bullied, and shamed," actions that, if substantiated, would indeed have constituted harassment. But, as noted above, the investigation into these allegations appears to have been cursory and to have rested only upon aggrieved students' reports (or one aggrieved student's report) from a single class meeting. The administration does not explicitly state that the students' reactions were reasonable and proportionate or that Professor Phillips's alleged remarks constituted what most members of the academic community would regard as harassment. At most, the allegations used to justify terminating Professor Phillips's service warranted further investigation. The committee thus again laments the fact that the Collin administration declined to afford Professor

Phillips the opportunity to contest these charges in a hearing before an elected body of faculty peers.

For the foregoing reasons, this committee finds compelling the claim Professor Phillips made in his RRP complaint that, in terminating his service, the Collin administration violated the college's regulation affirming that "in the classroom, teaching faculty members have the freedom to discuss any controversial matter and to voice opinions within areas of their professional competence," a regulation derived from the 1940 *Statement*. Absent the opportunity of a faculty hearing, Professor Phillips's contention that the administration's action against him violated his academic freedom as a teacher stands unrebutted.

C. Academic Governance

This investigation primarily concerns issues of academic freedom. However, on most campuses, the exercise of academic freedom is inextricably related to the health of shared governance and vice versa, as the cases discussed in this report amply illustrate. Given the absence of tenure protections, faculty vulnerability to retaliation for speaking out on institutional matters has corroded shared governance at Collin College, and the administration's failure to respect basic principles of shared governance has undermined academic freedom.

The *Statement on Government of Colleges and Universities*, the joint formulation of the AAUP, the American Council on Education, and the Association of Governing Boards of Universities and Colleges, holds that the faculty has "primary responsibility" for matters central to the educational mission of the institution, including "curriculum, subject matter and methods of instruction, research," and "faculty status," which includes "appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal." The administration should overturn faculty decisions in these areas only "in rare instances and for compelling reasons which should be stated in detail." Despite Dr. Collins's concerns about "self-promoting faculty," these principles are intended to ensure that decisions in these areas are normally left to the independent professional judgment of those with the requisite expertise. As the *Statement on Government* notes, "The primary responsibility of the faculty for such matters is based upon the fact that its judgment is central to general educational policy."

On the college's many campuses, decisions about faculty status appear to be almost exclusively in the hands of an extensive academic administration, with its numerous provosts, deans, and associate deans. The faculty plays no role in the dismissal of faculty members prior to the expiration of their terms or in the imposition of major sanctions, nor does it play any role in evaluating appeals of adverse administrative decisions concerning reappointment, minor sanctions, or other actions. No faculty grievance process exists. Evaluations of faculty performance rest almost entirely in the hands of administrative officers: faculty members informed the investigating committee that this problem was compounded by the administration's unilateral action in 2017 to replace academic department chairs with associate deans.

According to faculty sources, the primary faculty governance body, the Collin Faculty Council, has little influence over governance issues. This is no surprise, given that the Collin administration's top-down conception of faculty governance, as articulated in many statements by administrators recounted above, restricts the faculty's voice to appropriate "channels, procedures, and protocols," where its concerns may be "addressed by those administrators who can create solutions." Once those administrators have "created solutions," faculty members are expected to fall in line, work "collaboratively" with the administration, and not to "undermine decisions" by questioning them. Interviewed faculty members also stated that CFC members, when they are outspoken, have been subject to retaliation. As one put it, "Being on Faculty Council is a good way to get fired," an assessment the events documented in this report clearly support. Furthermore, as noted in our discussion of Professor Burnett's case, at least one state legislator, Mr. Jeff Leach, appears to have been unduly involved in faculty personnel matters through both public channels and private text messages to President Matkin. President Matkin's response to this latter instance of interference was to assure Mr. Leach that he would "deal with" the Professor Burnett "situation" and to wish him well in his upcoming election.

In short, based on the evidence available to us, this committee finds that shared governance, as practiced at most reputable institutions of higher education, seems barely to exist at Collin College.

D. Conditions for Academic Freedom

Media reports, the extensive documentation available to the committee, and faculty correspondence with the AAUP's staff all indicate that the widely publicized actions against Professors Jones, Heaslip, Burnett, and Phillips not only deepened faculty members' fears and insecurities but further debased a climate already inhospitable to academic freedom.

The committee's interviews confirmed this impression. While only a small number of Collin faculty members agreed to speak with us, those who did testified to a "climate of fear and intimidation." That President Matkin felt it necessary publicly to disavow seeking retaliation suggests these fears are widely felt. And we doubt that his promise to "actively seek an explanation from those who continue[d] to promote [the retaliation] narrative" did much to assuage those fears. Several interviewees noted that the administration's actions "shocked the college," deepening doubts about the adequacy of the college's protections for academic freedom. As a result, others added, some faculty members are now so leery of attracting supervisory disapproval of their teaching that they self-censor, an understandable precaution for those hoping to avoid Professor Phillips's fate. One interviewee reported that faculty members are now "thinking twice about what they want to say and what they want to do." Several confessed to worrying that their administrative superiors would target them for their political or professional associations, to be expected when colleagues have lost their appointments for associating the college's name with groups or causes of which the administration disapproves. According to several interviewees, they and their colleagues now avoid making campaign contributions to Democrats, fearing that, should those contributions become known, the administration might seek their dismissal, a reasonable concern at an institution whose most prominent trustee has gone on record inveighing against "ultraliberal, anticapitalism, socialistic professors."

As the events described in this report clearly demonstrate, faculty members at Collin College reasonably fear losing their livelihood if the administration, the governing board, elected officials, or the public at large disfavors their research, teaching, or intramural or extramural speech. The committee is thus compelled to find that general conditions for academic freedom at Collin College are severely degraded.

VII. Conclusions

1. The Collin College administration summarily dismissed Professor Suzanne Jones and Professor Michael Phillips in violation of the basic tenets of the joint 1940 *Statement of Principles on Academic Freedom and Tenure*. Since both faculty members had attained de facto tenure through length of service, they were entitled, under the 1940 *Statement*, to a pretermination hearing before an elected faculty body in which the burden of demonstrating adequate cause for dismissal would rest with the administration.
2. In violation of the 1940 *Statement* and Regulation 8 of the derivative *Recommended Institutional Regulations on Academic Freedom and Tenure*, the Collin College administration failed to provide Professors Jones and Phillips with either twelve months of notice (a terminal year) or at least one year of severance salary.
3. In disregard of Regulations 2 and 10 of the *Recommended Institutional Regulations*, the Collin College administration failed to afford Professor Burnett timely notice of her nonreappointment and the opportunity to petition an elected committee of her peers to review her allegation that the decision violated her academic freedom.
4. The stated grounds for the Collin College administration's actions in these cases entailed egregious violations of the subject faculty members' academic freedom in extramural and intramural speech. In the case of Professor Phillips, the administration's stated reason for its action against him violated his academic freedom in teaching.
5. Academic governance at Collin College bears little resemblance to the principles set out in the *Statement on Government of Colleges and Universities*. The Collin administration denies the faculty the right to exercise its primary responsibilities, and faculty members reasonably fear that their governance efforts will make them targets for administrative reprisals.
6. The climate for academic freedom at Collin College is grossly inadequate, as might be expected at an institution at which a chair of the board of trustees publicly boasts that the absence of a tenure system facilitates the removal of political undesirables.

SHAWN GILMORE (English)
University of Illinois at Urbana-Champaign, *chair*

CARISSA FROYUM (Sociology)
University of Northern Iowa

JAMES KLEIN (History)
Del Mar College

Investigating Committee

Committee A on Academic Freedom and Tenure has by vote authorized publication of this report on the AAUP website and in the *Bulletin of the American Association of University Professors*.

Chair: **CHARLES TOOMBS** (Africana Studies), San Diego State University

Members: **NICHOLAS FLEISHER** (Linguistics), University of Wisconsin–Milwaukee; **EMILY M. S. HOUH** (Law), University of Cincinnati; **RANA JALEEL** (Gender, Sexuality, and Women's Studies), University of California, Davis; **MARK S. JAMES** (English), Molloy College; **VALERIE C. JOHNSON** (Political Science), DePaul University; **ANIL KALHAN** (Law), Drexel University; **MICHAEL MERANZE** (History), University of California, Los Angeles; **DERRYN MOTEN** (History and Political Science), Alabama State University; **PATRICIA C. NAVARRA** (English), Hofstra University; **JENNIFER H. RUTH** (Film Studies), Portland State University; **RISA L. LIEBERWITZ** (Law), Cornell University, *ex officio*; **IRENE T. MULVEY** (Mathematics), Fairfield University, *ex officio*; **JULIE M. SCHMID** (English), AAUP Washington Office, *ex officio*