June 15, 2019

Two Institutions Added to AAUP’s Censure List, One to List of Sanctioned Institutions

Delegates to the 105th Annual Meeting of the AAUP voted today to add St. Edward’s University (Texas) and Nunez Community College (Louisiana) to the AAUP’s list of administrations censured for failing to observe generally recognized principles of academic freedom and tenure. Delegates also voted to add Vermont Law School to the AAUP’s list of institutions sanctioned for serious departures from AAUP-supported standards of academic governance and to remove Idaho State University from the list.

Censure by the AAUP informs the public as well as the academic community that the administration of an institution has not adhered to the generally recognized principles of academic freedom and tenure jointly formulated in 1940 by the AAUP and the Association of American Colleges and Universities and endorsed by more than 250 professional and educational organizations. As of today, 58 institutions remain on the censure list.

AAUP sanction is imposed when an institution violates generally accepted standards of college and university governance, as set forth in the Statement on Government of Colleges and Universities

Added to the AAUP’s Censure List in 2019:

- **St. Edward’s University (Austin, Texas)** -- The investigating committee’s report concerned the dismissals of two tenured faculty members and the nonrenewal of a tenure-track faculty member. In dismissing the two tenured professors without affording them academic due process, the committee concluded the St. Edward’s administration violated key provisions of the 1940 Statement of Principles on Academic Freedom and Tenure and derivative AAUP-supported procedural standards. The committee also found credible the two faculty members’ claims that their criticism of administrative decisions had led to the actions against them. With regard to the tenure-track faculty member, the committee found that she had not been afforded adequate notice of nonrenewal or the opportunity to appeal the decision to a faculty body. The committee also found credible her allegation that the nonrenewal was a consequence of her having lodged complaints of sexual harassment against an administrator, noting that the allegation remained unrefuted absent an appropriate faculty review procedure. General conditions for academic freedom and governance at St. Edward’s University were found to be “abysmal,” with “fear and demoralization” widespread among the faculty.

- **Nunez Community College (Chalmette, Louisiana)** -- The administration terminated the services of an associate professor of English who had served the institution for twenty-two
years. The investigating committee concluded that the administration had not afforded the professor the dismissal hearing to which he was entitled as the result of having obtained de facto tenure through length of service (the college does not have a formal system of academic tenure). The investigating committee further concluded that the administration took the action in violation of the professor’s academic freedom to speak on institutional matters without fear of reprisal.

Added to AAUP’s Sanctioned Institutions list in 2019:

- **Vermont Law School (South Royalton, Vermont)** – The investigating committee’s report describes departures from AAUP-supported standards of academic governance evident in a faculty “restructuring” process at Vermont Law School that resulted in lowering salaries, reducing the number of full-time positions, and effectively eliminating the tenured status of nearly 75 percent of the institution’s highest paid faculty members. Fourteen of the nineteen tenured faculty members were essentially turned into at-will employees—transferring the bulk of the teaching load to lesser-paid faculty members serving on contingent appointments and radically reducing the size of the full-time faculty. Faculty members who accepted restructured appointments in lieu of termination were required to sign releases-of-claims and nondisclosure and non-disparagement agreements. The investigating committee found that the faculty played no meaningful role in analyzing, assessing, or, most important, approving the restructuring plan. The report also found that unacceptable conditions of academic governance prevail at the institution.

Removed from the Sanctioned Institutions List:

- **Idaho State University (Pocatello, Idaho)** – The administration of Idaho State University was sanctioned in 2011 after the Idaho State Board of Education suspended the faculty senate on the recommendation of the university’s president, following several years of intense conflict between the senate and the administration. In spring 2018 the president whose actions led to the sanction, retired, and his successor approved a proposed new faculty senate constitution that the faculty had ratified. Following its adoption by the state board of education, faculty this spring elected a new senate under the revised constitution. The faculty senate, the university’s AAUP chapter, and the administration supported removing the sanction, and an AAUP representative who recently visited the campus found conditions for faculty governance at ISU to be sound.

Additional Investigations

- **Maricopa Community Colleges (Tempe, Arizona)** -- An investigating committee inquired into the actions of the governing board of the Maricopa County Community College District to terminate “meet-and-confer,” a process that the faculty and administration had used for four decades to establish institutional policies related to faculty and to make recommendations to the board concerning faculty salaries and academic budgets. The governing board also mandated the repeal of the entire faculty manual and directed the administration to oversee
the creation of a new one, effectively stripping faculty of the right to participate in institutional decision making. Since the committee’s first assessment, the situation for faculty at Maricopa County Community Colleges has taken a welcome turn. Three new members were elected to the district governing board, and a new board president was elected. Among the first actions of the board’s new leadership was to adopt a resolution that rescinded the termination of meet-and-confer and the repeal of the faculty manual. As sound principles of academic governance are in the process of being restored, the Committee on College and University Governance chose to monitor developments and did not make a recommendation regarding sanction to this annual meeting.

AAUP investigating committees are appointed in a few select cases annually in which severe departures from widely accepted principles and standards on academic freedom, tenure, or governance have been alleged and persist despite efforts to resolve them. Investigating committees are composed of faculty members from other institutions with no previous involvement in the matter. If the investigating committee’s published report finds that serious violations have occurred and an appropriate resolution cannot be achieved, the AAUP may place an institution on its censure or sanction list, which informs the academic community and the public that conditions for academic freedom or shared governance at the institution are unsound.