

VIA ELECTRONIC AND U.S. MAIL

January 23, 2020

Dr. Stephen Spinelli Jr.
President
Babson College
231 Forest Street
Babson Park, Massachusetts 02457

Dear President Spinelli:

Mr. Asheen Phansey, who had been serving until recently as an adjunct lecturer at Babson College has advised the American Association of University Professors of the letter dated January 9, 2020, from Ms. Donna Bonaparte, the vice president of human resources, notifying him of the termination of his services effective immediately. According to the vice president's letter, the ground for dismissing him was his alleged failure to comply with the college's social media policy. Mr. Phansey has informed us that he was not afforded any procedure in which to contest his dismissal.

We understand that the action was taken following Mr. Phansey's January 5 post on the social media site Facebook, responding to President Trump's January 4 tweet threatening to bomb fifty-two Iranian cultural sites. Mr. Phansey wrote that "in retaliation" Iran "should tweet a list of 52 sites of beloved American cultural heritage that he would bomb. Um, Mall of America? Kardashian residence?" An article appearing two days later on the website Turtleboysports characterized the post as a "wicked smart move" with the "crazy part" being "that if [Mr. Phansey] threatened to blow up 52 cultural sites in Iran he'd probably lose his job, but begging a religious lunatic who oppresses women and gay people to blow up American cultural sites will probably get him tenure." We understand further that the administration was aware of the torrent of social media postings, prompted by this article, that pressed for Mr. Phansey's dismissal.

Assuming the accuracy of the information provided us, we must regard the administration's action to dismiss Mr. Phansey from his part-time faculty position as a summary dismissal, effected in contravention of normative standards of academic due process set forth in the enclosed 1940 *Statement of Principles on Academic Freedom and Tenure* and in the complementary 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings*.¹ These widely adopted standards require an administration to demonstrate adequate cause

¹ The due-process protections outlined here apply to part-time as well as full-time faculty members. As the *Recommended Institutional Regulations* notes, "There should be no invidious distinctions between those who teach and/or conduct research in higher education, regardless of whether they hold full-time or part-time appointments or whether their appointments are tenured, tenure-track, or contingent. All faculty members should have access to the same due-process protections and procedures."

President Spinelli
January 23, 2020
Page 2

before a duly constituted faculty body prior to dismissal. The action taken against Mr. Phansey is thus a matter of basic concern to this Association under our longstanding responsibilities.

In addition to our concerns about the apparent absence of academic due process, we have concerns about the stated basis for seeking Mr. Phansey's dismissal. Regulation 5(a) of the AAUP's *Recommended Institutional Regulations on Academic Freedom and Tenure* provides that "dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights of American citizens." We note that the Babson College faculty handbook incorporates the 1940 *Statement*. It includes a definition of academic freedom that encompasses freedom of extramural utterance as one of its constitutive elements. A faculty member's extramural utterance is expression in the faculty member's capacity as a citizen, as distinct from the capacities of teacher or scholar. In this regard, our attached report on *Academic Freedom and Electronic Communication* states, "Any [social media] policy must recognize that social media can be used to make extramural utterances and thus their use is subject to Association-supported principles of academic freedom, which encompass extramural utterances." In its *Committee A Statement on Extramural Utterances* (also attached), the Association further notes: "The controlling principle is that a faculty member's expression of opinion as a citizen cannot constitute grounds for dismissal unless it clearly demonstrates the faculty member's unfitness to serve. Extramural utterances rarely bear upon the faculty member's fitness for continuing service."

The information in our possession regarding the case of Mr. Phansey has come to us largely from him, and we appreciate that you may have additional information that would contribute to our understanding of what has occurred. We would accordingly welcome your comments on the issues we have raised. Assuming the essential accuracy of what we have stated in this letter, we urge that the Babson College administration rescind the notice of dismissal issued to Mr. Phansey and that any further action it proposes to take against him be consistent with the applicable procedural standards set forth in the 1940 *Statement of Principles* and derivative AAUP-recommended documents.

We look forward to your prompt response. As we have noted, the issues posed by this case are of a gravity sufficient for the staff to consider recommending the appointment of a investigating committee to look into the matter.

Sincerely,



Anita Levy, Ph.D.
Associate Secretary

Enclosures (by email)

cc: Ms. Donna Bonaparte, Vice President, Human Resources
Professor Kandice Hauf, Chair, Executive Committee, Faculty Senate
Mr. Asheen Phansey
Professor George Wharton, President, Massachusetts AAUP Conference