

ACADEMIC FREEDOM AND TENURE: BASTYR UNIVERSITY (WASHINGTON)¹

This report is concerned with the actions taken in 2005 by the administration of Bastyr University against three faculty members, Professor Suzzanne Myer in the School of Nutrition and Professors William (Bill) Roedel and Steven R. Kubacki in the Department of Counseling and Health Psychology. On June 22, the administration informed Professor Myer that she was being placed on administrative leave until her contract expired on August 31 and that her contract would not be renewed. On August 29, the administration notified Professors Roedel and Kubacki that their contracts, also set to expire on August 31, would not be renewed. The three had served continuously at Bastyr for twelve, nine, and four years, respectively. In all cases, their computer access was immediately terminated, and they were given no more than an hour to clear out their offices while the director of human resources remained outside their doors.

I. Background

Bastyr University, now located in the Seattle suburb of Kenmore, Washington, was established in 1978 in Seattle when three practitioner-founders and a small number of students convened as the Bastyr College of Naturopathic Medicine, named for naturopathic physician John Bastyr. The Bastyr University mission statement declares, "We educate future leaders in natural

1. The text of this report was written in the first instance by the members of the investigating committee. In accordance with Association practice, the text 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. With the approval of Committee A, the report was subsequently sent to the faculty members at whose request the investigation was conducted, to the administration of Bastyr University, and to other persons directly concerned in the report. In light of the responses received, and with the editorial assistance of the staff, this final report has been prepared for publication.

health sciences that integrate mind, body, spirit, and nature. Through natural health education, research and clinical services, we improve the health and well-being of the human community." A brief description of the university that accompanies its news releases adds, "Bastyr University integrates the pursuit of scientific knowledge with the wisdom of ancient healing methods and traditional cultures from around the world." Bastyr distinguishes itself from other educational programs in alternative medicine by stressing its focus on Western academic and scientific research values and practices as well as on alternative non-Western forms of education, discovery, and validation.

In 1994, this private, coeducational institution was renamed Bastyr University. Bastyr granted its first doctorates in naturopathic medicine in 1982. Over the years, Bastyr has added professional degree programs in, among other areas, acupuncture and oriental medicine and nutrition. Two MA programs, one in consulting and coaching in organizations, and the other in systems counseling, are offered by the Leadership Institute of Seattle, an affiliate of Bastyr since 1992. The institute operates under Bastyr's regional accreditation umbrella; graduates of the institute's two MA programs receive a Bastyr degree, although the faculty and administration of the institute operate independently. In 1989, when the Northwest Association of Schools and Colleges accredited Bastyr, the institution became the first school of naturopathic medicine in the United States to achieve accreditation from one of the regional higher education associations recognized by the Department of Education; accreditation was reaffirmed in 2002. Bastyr currently has a student body of approximately 1,200. It operates the Bastyr Center for Natural Health in Seattle as its teaching clinic.

The university is governed by a nineteen-member board of trustees. In late September 2005, Ms. Julie Tall, a licensed acupuncturist in Seattle, replaced Dr. Schuyler (Skye) W. Lininger, Jr., a chiropractor, as board chair. One of the institution's founders, Dr. Joe Pizzorno,

served as president of Bastyr from 1978 until 2000, and he continues to be a member of the board of trustees. A period of crescendoing unrest and faculty-administration conflict followed Dr. Pizzorno's departure, accompanied by rapid turnover in top administrative positions. Since fall 2000, the institution has had four presidents or interim presidents and at least six chief academic officers.

Dr. Thomas Shepherd took office as the university's second president in 2000. He unexpectedly resigned in 2004 in the wake of a stormy relationship with the faculty and in the face of a threatened no-confidence vote, precipitated by the faculty's discovery that under his presidency the university's top five administrators had received what the faculty perceived to be grossly excessive financial compensation, including large bonuses. Faculty members told the undersigned investigating committee that they considered this a betrayal of trust because the administration had claimed that there was insufficient money for increases in faculty compensation and for maintaining the levels of program budgets. Moreover, the administration had assured the faculty that their compensation was comparable to that of faculty at similar institutions, but faculty members learned that the administration had been comparing salaries for nine months of work to those of faculty at Bastyr on twelve-month appointments. In fact, faculty members report, the Bastyr faculty's compensation was on average 77 percent of that of comparable faculty.

President Shepherd was replaced by Dr. John Daley, who was the executive vice president and chief academic officer. Dr. Daley became the interim president in 2004. Dr. Sally Ringdahl, a former dean at Bastyr, agreed to fill in as the interim vice president until a newly selected president assumed office in fall 2005. After President Shepherd's resignation, the board of trustees hired a consultant, Dr. Sue Ann Huseman of the MELMAC (Maine Educational Loan Marketing Corporation) Education Foundation, to investigate the tensions on campus and advise the university about how to move forward constructively. She visited the campus in November 2004; her December 2004 report describes a "diminished sense of community and shared mission at Bastyr" and a "pervasive sense of failed promise." Dr. Huseman made a number of recommendations to address the crisis of trust she perceived. She encouraged the Bastyr community to use the AAUP's *Statement on Government of Colleges and Universities* as a "point of departure for conversations at Bastyr concerning campus governance." A number of changes were introduced, but tensions remained. Dr. Daley resigned as

interim president at the end of June 2005. Dr. Lininger, the chair of the board of trustees as well as the chair of the presidential search committee, took over as interim president, and when Dr. Ringdahl resigned as interim vice president on August 1, 2005, President Lininger appointed Dr. Timothy Callahan, the dean of undergraduate education, to that position. Dr. Daniel Church took office as Bastyr's current president on September 1, 2005. Prior to his arrival, a search committee had convened to begin the process of soliciting and evaluating applications for a new chief academic officer, the vice president for academics and research, with the final selection to be made by President Church.

Bastyr lacks a system of tenure. The university's faculty serve "at will" under the terms of annual appointments, no matter how long they have been members of the faculty. Faculty members carry the titles of instructor, assistant professor, associate professor, and full professor, titles that may be modified as "clinical" or "research." In addition, faculty members are categorized as "core," "adjunct," "affiliate," or "faculty administrators," depending on the proportion of time they serve on the campus and on their responsibilities. Of the several hundred faculty who teach classes at Bastyr or supervise clinical training, approximately forty are core faculty. In 2002, the first multiyear appointment packages (that is, three one-year appointments) were offered to some core faculty. The faculty has an assembly, sometimes referred to as a senate, which has an executive committee. The chair of the senate serves as the faculty representative on the board of trustees.

II. The Cases

This section details the cases of Professors Suzanne Myer, Steven R. Kubacki, and William Roedel.

A. SUZANNE MYER

Suzanne Myer received a BS degree in nutritional sciences from the University of Washington in 1979 and an MS degree in nutrition, also from the University of Washington, in 1993. Before joining the Bastyr faculty full time in 1993, Professor Myer held a number of positions in nutrition-related fields in Seattle. At the time of the Bastyr administration's actions against her in June 2005, she held the rank of assistant professor and was the director of both Bastyr's didactic program in dietetics and its dietetic internship program. Dr. Jennifer Lovejoy became Professor Myer's supervisor upon coming to Bastyr in August 2003, first as department chair and later, in November 2004, as dean of the School of Nutrition and Exercise Science.

Professor Myer and a number of others interviewed by the investigating committee report that a critical event took place on January 20, 2005, when she publicly criticized Dr. Lovejoy at a faculty meeting attended by Dr. Daley, who was then interim president. Professor Myer had, by her own account, objected passionately and forthrightly because of her understanding that Dr. Lovejoy had permitted students to complain directly to her, Dr. Lovejoy, about a new adjunct instructor instead of requiring that students first discuss their concerns with the instructor. Professor Myer, described by others as “frank,” “outspoken,” and “plain speaking,” subsequently apologized to Dr. Lovejoy for her public comments. The Monday following the faculty meeting, Dr. Lovejoy and Dr. Ringdahl, who was then interim vice president, met with Professor Myer to discuss what they said were ongoing issues concerning her performance and problematic behavior, some of which had been raised by unnamed students and staff. These concerns were also conveyed to her in writing. According to Professor Myer, Dr. Lovejoy said that she could not identify the complainants, who, fearful of retaliation, wished to remain anonymous. Professor Myer began to meet monthly with Dr. Lovejoy and Mr. Keith Woody, the director of human resources, to address performance areas allegedly needing improvement.

On June 22, 2005, Professor Myer went to a meeting with Dr. Lovejoy and Mr. Woody, expecting to discuss with them further steps in addressing the performance deficiencies that they had attributed to her earlier that year. She was given a memorandum summarizing the substance of their previous meeting on May 25, specifically reporting the results of administrative interviews with six individuals “representing faculty, staff, and the administration” regarding her performance. Based on these interviews, Mr. Woody concluded in the memorandum that Professor Myer

had a long history of contributions to the university, that she works well on her own and can get things done quickly, that she is not well organized, that she doesn’t do a good job communicating expectations to others, that she feels strongly about her opinions and is vocal in expressing them, and that she can be disrespectful, condescending, and intimidating.

In Mr. Woody’s opinion, Professor Myer “had made significant contributions to Bastyr during the times that required a person to have a vision and [to get] things done unilaterally. However, the university environment

is changing, requiring employees who are collaborative, willing to compromise, who have good communication skills and who are perceived as being flexible. . . . Suzanne’s skills do not lie in these areas.”

The memorandum went on to note that Mr. Woody, “in order to be fair,” had also interviewed eight individuals identified by Professor Myer. He summarized his findings:

Half the people interviewed (four out of the eight) indicated that they had never experienced an incident where Suzanne was intimidating or threatening. The other half indicated that they had experienced or observed incidents where they could see how someone might perceive Suzanne as intimidating or threatening. The feedback from these individuals was that the perception of a given incident would depend on the individual involved and [his or her] level of assertiveness and self-confidence.

Two of the eight people interviewed expressed strong support of Suzanne and indicated that they found Suzanne to [be] very responsive to their needs and issues. They felt that Suzanne was very supportive of them. They had witnessed no behaviors that would support the issues others had brought to Jennifer Lovejoy’s attention.

The memorandum concluded:

This additional information from people confirmed my earlier conclusion that the main issue is Suzanne’s communication and interpersonal style. This communication/interpersonal style has benefited Suzanne in the past when she operated independently and was expected to obtain results. However, given the changing culture and environment at Bastyr, I believe that this style is no longer a fit with how our employees and students communicate and interact with each other. Some people are able to interact with Suzanne effectively provided they exhibit the same assertive, self-confident, outspoken, and highly passionate behaviors. However, other people are equally offended and intimidated by this behavior to the point where they feel they are being threatened or are unsafe.

The ultimate point is what employee behavior is appropriate given Bastyr’s mission and objectives. Jennifer Lovejoy, Suzanne’s direct supervisor, believes that Suzanne’s interpersonal skills

are a hindrance to her ability to achieve the goals for the School of Nutrition and Exercise Science. Jennifer has been given the responsibility by Bastyr University to ensure that this school is effectively managed. Jennifer's expectation of Suzanne's communication and interpersonal skills are not being met despite repeated attempts to address and remediate the problem since January 2005.

Dr. Lovejoy informed Professor Myer at this June 22 meeting that her appointment would not be renewed for the following year and that she was being placed immediately on paid administrative leave for the remainder of her current appointment (to August 31, 2005). Professor Myer later recounted that Mr. Woody accompanied her to her office and waited outside, giving her some thirty minutes to collect personal items.

In a June 24 letter to Professor Myer, Dr. Lovejoy confirmed "the university's decision not to renew your contract . . . made in consultation with Dr. Sally Ringdahl, vice president for academics and research, and Keith Woody, director of human resources" and the decision to place her on administrative leave. Dr. Lovejoy wrote:

The university is not required to demonstrate cause for not renewing a faculty contract, but it may be useful for you to understand the concerns that were raised in our decision not to renew your contract.

You recall that in January 2005 you were made aware that there were significant problems with your work performance both in relation to scheduling and reliability issues, as well as with your interpersonal relationships with members of the university community. Despite repeated meetings about these issues with Keith Woody and myself throughout the spring, the problems were not resolved.

As you know, Keith interviewed a number of members of the university community, including those whom you provided as references, and the interviews were fairly consistent in indicating difficulties in working relationships and/or interpersonal interactions with students, staff, and faculty. Given the results of these interviews and the lack of progress in addressing the issues raised in my letter of January 2005, we believe it is in the university's best interest to not renew your contract.

Faculty members reacted swiftly to the administration's action against Professor Myer. In a June 27 e-mail mes-

sage to all faculty that was intended to rally support for an emergency meeting on July 6, Professor Kubacki, a vocal supporter of faculty organizing at Bastyr, listed issues of concern not only for Professor Myer but for all faculty members. Particularly at issue was the "at-will" nature of faculty appointments and the lack of adequate grievance procedures. As a result of this meeting, the faculty voted to investigate the possibility of forming a faculty union at Bastyr, putting Professor Roedel in charge of a designated subcommittee. Professor Myer appealed the actions taken against her to Dr. Ringdahl. Responding on July 7, 2005, the interim vice president stated:

[Y]ou requested a review of your termination. I would like to remind you that your contract was not renewed, which differs from a termination. . . . The current edition of the faculty handbook lists the policies which are currently in effect . . . [which include] a list of Exclusions from the Grievance Process. [Item 7] of that list indicates nonrenewal decisions. This indicates that there is no grievance procedure for nonrenewal of your contract.

I recognize that this decision has been difficult for you but the human resources procedures of Bastyr University have been followed, and this decision is supported by the administration of the university.

B. STEVEN R. KUBACKI AND WILLIAM ROEDEL

Professor Steven R. Kubacki has a BA degree in German from Hope College (1979), an MA in linguistics from Ohio University (1985), and a PhD in clinical psychology from the University of New Mexico (1992). Prior to joining the Bastyr counseling and health psychology department in fall 2001, he held teaching and clinical positions at the University of Wyoming and at Argosy University in Seattle. He became department chair in fall 2003.

Professor William Roedel received an MS degree in theology from the Catholic University of America in 1988 and an MS and PhD in counseling from Loyola College in Baltimore in 1996. He joined the Bastyr faculty in 1996 to chair the psychology department as well as to teach and supervise clinical training. During his years at Bastyr, he also served as chair of the faculty senate, and, in that capacity, was the faculty representative on the board of trustees.

In his relatively short time at Bastyr, Professor Kubacki had acquired a reputation as a campus activist and faculty advocate, roles that brought him into intermittent

conflict with various members of the administration. Within days of becoming department chair in 2003, Professor Kubacki was instructed by Dr. Daley, who was then the vice president for academics and research, not to renew the appointment of a popular adjunct member of the department. According to Professor Kubacki's account of what occurred, he was given no reason for doing this. Professor Kubacki challenged the order, and subsequently Dr. Daley reversed the decision.

In spring 2004, Professor Kubacki was a member of a committee investigating the introduction of the "schools" model to Bastyr, a change in academic structure that meant designating core departments as schools and core department chairs as deans. According to Professor Kubacki, Dr. Daley had asked the members not to discuss what happened in the meetings. In April, Dr. Daley told the committee that he was considering appointing Dr. Callahan to the deanship of the School of Natural Health Sciences, composed of the Departments of Psychology and Basic Science. Professor Kubacki strongly objected, in part, he said, because of Dr. Callahan's limited experience in teaching in either of the school's departments. His appointment also would have been an exception to the general policy of promoting to the deanship a current chair of one of the school's departments. Professor Kubacki wrote to Dr. Daley expressing his opposition, saying that he was so concerned about this prospect that he had discussed it with several members of the faculty, in disregard of Dr. Daley's wish that this information remain secret. Dr. Daley criticized him for insubordination and placed a note to that effect in his personnel file.

Perhaps the most public conflict that Professor Kubacki had with Dr. Callahan occurred in early July 2005, when he and Dr. Callahan sharply disagreed about the relocation of the psychology faculty offices. According to Professor Kubacki, he and Dr. Callahan met with Dr. Ringdahl in an attempt to mediate the conflict, which resulted in an agreement "to move forward." Professor Kubacki also had opposed a faculty evaluation form sponsored by Dr. Callahan, and he favored, over the opposition of Dr. Callahan, an expansion of Bastyr's graduate programs in psychology.

Professor Kubacki applied for a promotion from associate to full professor during the 2004–05 academic year. His application was evaluated positively by Bastyr's faculty Appointments and Promotions Committee; in a letter dated July 13, 2005, Dr. Ringdahl informed Professor Kubacki that his promotion had been approved. Also that summer, Professor Kubacki served on the search committee for a new academic vice president. Dr.

Callahan was a candidate for the permanent position at the time he assumed the office as interim vice president on August 1, following Dr. Ringdahl's resignation. He thereby became Professor Kubacki's direct supervisor as well as that of the other deans and chairs on the search committee.

Professor Roedel's relationship with the Bastyr administration, like Professor Kubacki's, was not an easy one. He had several disagreements with both the board chair, Dr. Lininger, and Dean Callahan prior to August 2005. While serving as faculty representative on the governing board in June 2004, Professor Roedel and several other board members questioned the salaries and bonuses granted to Bastyr's president and senior officers by members of the board's executive committee, requesting greater accountability to the full board. According to Professor Roedel, Dr. Lininger responded by admonishing those who questioned the compensation and halting further discussion of this issue. That fall, Professor Roedel attended a meeting of a subcommittee of the board as the designated proxy of the new faculty senate chair, Professor Tiffany Reiss. Dr. Lininger, present through a conference call, insisted that Professor Roedel not be allowed to participate. The subcommittee chair and other committee members supported his participation, however, and he was allowed to remain.

Professor Roedel also had several conflicts with Dean Callahan during that time. In 2003, some students in Professor Roedel's psychology of religion course went to Dean Callahan to express their concerns about the course and to file a grievance. Dean Callahan and Dr. Joseph Chu, the vice president for academics and research at the time, wrote a letter of reprimand to Professor Roedel, stating,

One claim has to do with your raising your voice to a student and treating her with disrespect because she did not follow your orders. . . . The second claim has to do with an incident when you were extremely late to class . . . then attempted to get students to do a condensed version of the presentation that was scheduled for that day. . . . The two students . . . were already stressed because of your lateness. One of the students suffered an anxiety attack in class and began crying. . . .

This letter is being placed in your personnel file as a reminder that this kind of behavior is unacceptable.

Professor Roedel protested to Dean Callahan that university policy, requiring that students first discuss

complaints directly with their instructor, had been violated. When Dean Callahan refused to recant, Professor Roedel filed a grievance, first with Dr. Chu and then with Dr. Daley, who ruled in his favor and removed the letter from his file. Later, during the 2004–05 academic year, he was one of a group of faculty who were highly critical of a faculty evaluation instrument strongly advocated by Dean Callahan.

By August 2005, Dr. Lininger was interim president of Bastyr, and Dr. Callahan was interim vice president. On the afternoon of August 29, two days before annual appointments for 2004–05 were to expire, Dr. Callahan presented Professor Kubacki with a letter informing him that his appointment would not be renewed for the 2005–06 academic year. A little over an hour later, Dr. Callahan provided Professor Roedel with an identical letter. The letters stated,

As part of my examination of the needs of the university for the next academic year, I have come to the conclusion that we need to make some changes in direction with regard to some of our programs.

As a result of this examination, I have decided to not renew your contract for the next academic year as provided within our applicable policies and procedures. This decision has been fully discussed with both Dr. Schuyler Lininger, our acting president, and our new president, Dr. Dan Church.

You are not permitted to attend any official university functions, including Faculty Assembly meetings, effective today.

Prior to having been issued these letters, both professors had been listed to teach a full load of classes for the coming fall semester. In July, Professor Roedel had been a candidate for the position of associate dean for natural health sciences, and, as noted above, Professor Kubacki had been approved for promotion to full professor. Neither had been given any warning that his continuance on the faculty might be in question. As noted above, both professors were given no more than an hour to clean out their desks and depart from the campus.

On August 31, the final day of their employment, the two professors wrote to President Church, who would officially assume the Bastyr presidency the next day. They requested access to a faculty grievance committee to review the actions against them. They cited as the basis of their grievance “[a] systematic pattern of retribution and retaliatory behavior by Tim Callahan, [interim vice president for academics and research]”;

an “[i]nadequate rationale” for their nonreappointment; and other retaliatory actions against them by former interim presidents Daley and Lininger. President Church, in a September 8 letter, denied their request. “The contractual language,” he wrote, “is quite clear that the university was not required to renew your contracts after they expired. It is equally clear from Section 3.1 of the faculty handbook that the grievance process is not available to former faculty members who wish to challenge a university decision not to renew a faculty contract.” As for the professors’ allegation of retaliatory behavior on the part of administrators, the president stated, “I did not find a procedure in any of the university’s personnel policies that would allow me to convene a faculty grievance committee to investigate a nonfaculty employee.”

In a September 13 letter to the president, students in the psychology department stated their concern over the actions against the two professors and noted the adverse impact of these actions on student morale. They also expressed concern about the reported “changes in direction” in psychology that the administration cited as the basis for its actions. In his September 15 e-mail response to the students, Dr. Callahan attempted to reassure them, stating that “there are no changes planned for the program itself or any of the tracks. . . . We will be providing quality faculty for every course.” On September 20, President Church met with the Bastyr faculty to discuss what had become a growing controversy surrounding the release of Professors Kubacki and Roedel. In a September 21 letter to the president following this meeting, faculty senate chair Tiffany Reiss and the faculty executive committee stated that “the faculty overwhelmingly feel that these actions have irreparably damaged the trust and confidence in the ability of the interim vice president for academics and research to adequately support academics or research.” Professor Reiss and her colleagues requested that President Church conduct a review of the terminations and, once a permanent academic vice president was appointed, that his or her “top priority . . . be to work with a faculty committee designated by the faculty assembly executive committee to address language changes in the current faculty handbook around core faculty contracts and appropriate policies and procedures surrounding nonrenewal of contract.” Before the end of September, amid the swirl of controversy surrounding the faculty terminations and faculty estrangement from the administration, Ms. Julie Tall replaced Dr. Lininger as chair of the board of trustees; Dr. Lininger thereupon resigned from membership on that body.

In the absence of an investigation or review of their complaints by the administration, Professors Kubacki and Roedel retained an attorney, who wrote to President Church on October 14 to request her clients' reinstatement. This letter did not elicit a substantive response. In early November, the attorney for the professors withdrew from their case, owing to a perceived conflict of interest (her law firm had a contract with the insurance carrier for Bastyr). They retained new counsel, who wrote to the administration on December 12 to call for their reinstatement, again to no avail.

At a September 2005 meeting, the assembled Bastyr faculty had voted unanimously to adopt a resolution requesting the newly installed President Church to undertake a full investigation of the August decisions. Several faculty members remembered Dr. Church as having indicated that the August actions had been handled poorly but, a short time later, stating during a faculty meeting that university counsel had judged them to be legal. At October and November faculty meetings, in which President Church was asked to report about the status of the investigation to which faculty members say they thought he had agreed, he stated that he had never said he would mount a full investigation. President Church stated to the members of the AAUP investigating committee, "I replied that I had never said that I'd investigate the matter. I added, 'but now Kubacki and Roedel are legally represented; therefore we are also.' I cannot discuss the matter."

III. The Association's Involvement

The involvement of the AAUP in these matters began when Professor Roedel spoke with a member of the Association's staff in summer 2005 concerning potential faculty unionization and the establishment of a campus AAUP chapter.² He later informed the staff member on August 30 of the notification of immediate termination of services that he and Professor Kubacki had received the previous day. Following receipt of pertinent documents, another member of the staff wrote to President Church and Dr. Lininger on September 6, 2005, focusing on issues of academic freedom and academic due process. The letter treated the August 29 actions as tantamount to summary dismissals, assert-

2. Following their attorney's unsuccessful attempt in December to have them reinstated, Professors Kubacki and Roedel filed an unfair labor practice complaint with the National Labor Relations Board. The NLRB subsequently decided not to review one charge, and the professors withdrew the others.

ing that the professors had been denied requisite safeguards of academic due process as set forth in the 1940 *Statement of Principles on Academic Freedom and Tenure* and the complementary 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings*. The letter observed that the administration's actions, which the professors alleged were in retaliation for criticisms of administration actions and policies, also appeared to raise "a basic issue of academic freedom." The letter urged that the August 29 notices be rescinded, that the professors be reinstated to their duties, and that any further action in their cases be consistent with Association-supported standards.

Responding by letter dated September 28, President Church rejected the allegation that the nonrenewals "were based on a retaliatory motive" and stated that "the university had a clear contractual right to not renew the contracts [of Professors Kubacki and Roedel] for the 2005–06 academic year and that the university met its legal obligations associated with the nonrenewals." He therefore declined to "reverse a decision that was proper when it was made." With no changes having occurred in the status of the two former faculty members, the staff again wrote to President Church on December 7. This second letter emphasized that the Association's staff was "not questioning whether or not the administration's actions may have been permissible under Bastyr University's policies, but rather whether those actions were in conformity with generally accepted standards of the academic community." The staff also wrote that the administration had left

unrebutted [Professors Kubacki and Roedel's] allegations that the stated programmatic grounds for the administration's actions were not the true reasons for the actions against them, and that, in fact, those actions resulted in significant part from displeasure with their outspoken criticisms of administration policies and practices and their role in discussions about organizing a faculty union at the university.

The staff concluded by again urging the administration to "reinstatement them to their previous teaching and other academic responsibilities—responsibilities for which there appears to be a continuing need."

Having received no response to its December 7 letter, the staff wrote once more to President Church on January 4, 2006, stating that the Association would be

determining its further course of action if its concerns remained unresolved. The president responded by letter of January 18, taking issue with the staff's characterization of aspects of these cases and challenging the claims of the two professors. "While we do not doubt the sincerity and commitment of your organization," the president wrote, "we believe Drs. Roedel and Kubacki to be disingenuous in their allegations to the AAUP. . . . The record shows the lawful and proper reasons behind the university's actions and the lack of merit in Drs. Roedel and Kubacki's allegations."

The AAUP staff next wrote to President Church on February 2, noting that the Association's key concerns had yet to be resolved. "Moreover," the letter stated,

since we last wrote to you, we have learned about the case of Ms. Suzzanne Myer, who reports that last June, toward the end of her [twelfth] year of continuous full-time service at Bastyr, she was dismissed from the faculty without having been afforded a hearing and, she alleges, in violation of her academic freedom.³ It appears to us, based on the information she has provided, that the case of Ms. Myer raises some of the same concerns as those posed by the cases of Professors Kubacki and Roedel.

The letter went on to notify President Church of the AAUP general secretary's decision to authorize an investigation into the issues of Association concern raised by the three cases. In an April 3 letter to the AAUP staff, President Church agreed to cooperate with the investigation. He further stated, in an April 17 letter, "It will be my pleasure to make the university board room available to your members as a private environment in which they may conduct their work." While making arrangements for the investigating committee's visit to Bastyr, the staff received reports that some faculty members feared administrative retaliation against them if they cooperated with the committee. The staff wrote to President Church on April 28, to inform him of the committee's intention of meeting with faculty members off campus and to express the hope that he would tell the faculty "that they are free to meet with our committee if they wish." Responding on May 2, the president stated that it was never his "intention to mislead nor to appear reluctant to support full and free access," and that "it

is clear in our community that no one from administration can (or would) bar anyone on the faculty from speaking with whomever they wish." The undersigned investigating committee visited Bastyr University from May 16 through 18, 2006. Several administrators, including President Church, met with the committee at the university site. Thirteen present and former faculty members were interviewed at an off-campus location.

IV. Issues

The issues involved include academic due process, academic freedom, and institutional governance.

A. ACADEMIC DUE PROCESS: THE MYER CASE

Professor Suzzanne Myer was completing her twelfth year of continuous full-time service at Bastyr when she received notice that she was being placed on paid administrative leave for the final two months of her existing contract and would not be reappointed. According to Professor Myer's account of what occurred, she was told by her department chair on June 22, 2005, that she no longer met the needs of the university, and that she was intimidating to faculty, staff, and others. She was told to leave the premises immediately, and her computer was locked. She was offered no opportunity to contest these actions.

According to the standard set forth in the 1940 *Statement of Principles on Academic Freedom and Tenure*, which states that "[b]eginning with appointment to the rank of full-time instructor or a higher rank, the probationary period should not exceed seven years," Professor Myer had long ago exceeded the maximum permissible probationary period in her service at Bastyr, and her appointment should have been considered to be continuous, absent the demonstration of adequate cause for her dismissal in a hearing of record before an elected faculty body. Under the terms of Bastyr's at-will faculty contracts, however, and as stated explicitly in the administration's June 24 nonrenewal letter to Professor Myer, "The university is not required to demonstrate cause for not renewing a faculty contract."

The administration has contended that its action was simply a case of nonreappointment, but, in fact, Professor Myer was removed from her faculty position two months prior to the expiration of her 2005–06 appointment. Although the administration characterized her removal as an "administrative leave," it banned Professor Myer from further access to the

3. The February 2 letter mistakenly referred to a "thirteenth" year of service.

campus and ended her faculty privileges, making the action akin to a terminal suspension. According to Interpretive Comment 9 on the 1940 *Statement*, “A suspension that is not followed by either reinstatement or the opportunity for a hearing is in effect a summary dismissal in violation of academic due process.” Professor Myer was neither reinstated nor afforded a hearing before her appointment expired. The investigating committee accordingly finds that the administration acted in violation of the 1940 *Statement of Principles* by effectively dismissing Professor Myer without having afforded any elements of academic due process.

Even if one were to accept the administration’s characterization of Professor Myer’s case as a non-reappointment, under a 1995 elaboration of the Association’s *Standards for Notice of Nonreappointment*, faculty members on renewable term appointments are to receive notice “[a]t least twelve months before the expiration of an appointment after two or more years in the institution.” Bastyr University has no policy regarding notice of nonretention for its at-will faculty members, since their term contracts carry no presumption of renewal. After twelve years of continuous full-time service, Professor Myer was given a scant two months’ notice of the expiration of her appointment.

Beyond adequacy of notice (again, assuming that the termination of her services were to be characterized as a nonreappointment), there would also be the issue of opportunity to appeal. The Association’s *Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments* sets forth a faculty member’s right to petition an elected faculty committee for review of a decision not to reappoint. Bastyr’s policies, however, explicitly exclude nonrenewal decisions from the grievance procedures at the university. Dr. Ringdahl cited these policies in her July 7, 2005, letter to Professor Myer upholding the action that had been taken against her the previous month. Indeed, many of the most common types of disputes that a faculty member might have with the university administration are excluded from the grievance procedure. Thus a faculty member has no right to grieve:

complaints covering (1) wages, salaries and performance evaluations; (2) performance-related dismissals during the probationary period; (3) dismissals of temporary employees; (4) terminations and lay-offs related to reduc-

tions in force (unless such action was alleged to be discriminatory in intent or effect) or the expiration of temporary or externally funded grants or contracts; (5) challenges to university policies set forth in this manual; (6) falsification of application (or resume/cv) for employment and other employment-related documents; and (7) nonrenewal decisions.

Bastyr’s policies not only give the university administration complete discretion not to renew faculty members’ appointments; they also insulate such decisions from any review.

B. ACADEMIC DUE PROCESS: THE ROEDEL AND KUBACKI CASES

In the identical August 29, 2005, letters of termination sent to Professors Kubacki and Roedel, Dr. Callahan stated, “As part of my examination of the needs of the university for the next academic year, I have come to the conclusion that we need to make some changes in direction with regard to some of our programs. As a result of this examination, I have decided to not renew your contract for the next academic year as provided within our applicable policies and procedures.” The letters directed Professors Kubacki and Roedel no longer to “attend any official university functions” as of that date and banished them forthwith from further appearances on campus. These actions against Professors Kubacki and Roedel were taken two days before their 2005–06 appointments were set to expire and after each had been scheduled to teach a full load of courses in the fall semester that was about to begin. They sought to appeal but were denied access to the grievance process on grounds that former faculty members did not have standing to file grievances.

As it did in the case of Suzanne Myer, the Bastyr administration characterized these actions as simple nonrenewals, allowable under the terms of the university’s at-will employment contracts. Although contracts for the 2006–07 academic year were yet to be issued, Professors Roedel and Kubacki had every reason to expect that they were going to be retained. Each had been scheduled to teach in the quickly approaching fall semester. The previous month, Professor Roedel had been among the candidates interviewed for the position of associate dean for natural health sciences. Also the previous month, Professor Kubacki had received a July 13 letter from Dr. Ringdahl promoting him to the rank of full professor, to be effective September 1. The investigating committee finds that

the actions against the two professors were effectively dismissals, appropriate under generally accepted academic standards only upon the administration's demonstration of adequate cause, bearing on their fitness to continue, in a hearing before a body of their faculty peers.

On August 31, which happened to be the final day of their 2005–06 contracts, Professors Roedel and Kubacki wrote to Dr. Church, who would be installed as president of Bastyr the next day, to request a grievance hearing and investigation into the termination of their services. A September 8 response from President Church denied their request, citing Section 3.1 of the faculty handbook and stating that “the grievance process is not available to former faculty members who wish to challenge a university decision not to renew a faculty contract. . . . I find no basis for granting your request to form a grievance committee.” In essence, he contended that the professors had no standing to file a grievance over the loss of their employment because they were no longer employed by the university. This investigating committee finds his contention wholly without merit. It concurs with what an earlier AAUP investigating committee stated about a similar reason given by an administration for denying a dismissed professor opportunity to contest the action:

[G]rievance procedures governing employment relations in the United States are construed so as to afford the opportunity to challenge an allegedly unjust discharge; indeed, termination grievances are among the most frequently decided under grievance and arbitration procedures. Such procedures would become literally nonsensical if termination from employment, particularly when unjust and retaliatory, would itself preclude the right to file a grievance about the conformity of such termination to the terms of the employment agreement.⁴

As in the case of Professor Myer, the investigating committee finds that the Bastyr administration, in violation of the applicable provisions of the 1940 *Statement of Principles*, denied Professors Roedel

and Kubacki all elements of academic due process in severing their connection to the university.⁵

C. ADEQUATE CAUSE: THE MYER CASE

Again, the 1940 *Statement of Principles* provides for termination of a faculty appointment through dismissal for stated cause, its adequacy to be demonstrated by the institution's administration in a hearing before a faculty body. The complementary 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings* addresses cause in the sense of questioning an individual's fitness to continue. The 1940 *Statement* also provides for termination of a continuous appointment under extraordinary circumstances for a demonstrably bona fide condition of financial exigency. In addition to dismissal for cause and termination mandated by financial exigency, the Association's *Recommended Institutional Regulations on Academic Freedom and Tenure* recognizes that the termination of faculty appointments may occur because of the formal discontinuance of a program or department of instruction based essentially on educational considerations rather than mandated by financial exigency. Bastyr University's policies are silent regarding cause for dismissal and termination of appointments for either financial or programmatic reasons. Faculty appointments at the institution, as previously noted, are on an at-will basis, with faculty members serving at the pleasure of the administration.

Professor Myer received a June 24, 2005, letter terminating her services that set forth the lack of progress in performance issues and problematic interpersonal interactions with others as the reasons behind this decision. She was immediately placed on administrative leave for the remainder of her existing term of appointment. Two days earlier, on June 22, Professor

5. Commenting on a prepublication draft of this report, Bastyr administrators stated that

all faculty at Bastyr University not only sign contracts presented to them with the language of potential non-renewal intact, but they also sign a form upon hire that indicates that they have read the faculty handbook and agree to abide by its contents. All faculty members who sign contracts as well as the above-mentioned form are highly educated adult professionals acting under no coercion whatsoever. While the AAUP is critical of its procedures, Bastyr University did follow them and the written agreements entered into with each of these individuals.

4. “Academic Freedom and Tenure: Alvernia College (Pennsylvania),” *Academe: Bulletin of the American Association of University Professors* 76 (January–February 1990): 70.

Myer had received a memorandum from director of human relations Keith Woody reporting the results of interviews he had conducted with several faculty and staff members, specifically regarding Professor Myer's performance and behavior.

Of those interviewed, according to the memorandum, four described how others might have perceived Professor Myer's conduct as intimidating or threatening, but it is not clear that any of those interviewed expressed concern that he or she personally felt intimidated or threatened by Professor Myer. In fact, the administration's central concern seems to have been, in the words of the memorandum, the "changing culture and environment at Bastyr." Professor Myer was seen, again in the words of the memorandum, as having had "a long history of contributions to the university." She was "expected to obtain results," did so by acting "independently," and got along well with others who "exhibit[ed] the same assertive, self-confident, outspoken, and highly passionate behaviors." But these behaviors could apparently no longer be tolerated at Bastyr because, according to the memorandum, the "university environment is changing, requiring employees who are collaborative, willing to compromise, who have good communication skills, and who are perceived as being flexible." Professor Myer was seen as not possessing these "skills," and therefore she was apparently no longer considered fit to remain at the university.

Taking the memorandum at its own words, the investigating committee thus finds that Bastyr administrators acted against Professor Myer because her independent behavior was no longer acceptable in terms of what they perceived to be Bastyr University's current need for "flexible" personnel. The committee believes that the enforcement of such a conception of acceptable behavior, which could be reasonably characterized as compliance, cannot but compromise academic freedom. To the extent that the Bastyr administration acted against Professor Myer because of the problem it saw with her independence, it violated Professor Myer's academic freedom.

D. ADEQUATE CAUSE: THE ROEDEL AND KUBACKI CASES

In his letters of August 29 to Professors Kubacki and Roedel, Dr. Callahan stated to each of them, "As part of my examination of the needs of the university for the next academic year, I have come to the conclusion that we need to make some changes in direction with regard to some of our programs. As a result of this examination, I have decided to not renew your contract for the next academic year."

The investigating committee does not find it credible that a decision by the administration to make "changes in direction" regarding its programs was the basis for the actions it took against Professors Kubacki and Roedel. These professors had been scheduled to teach a full load of courses in the upcoming fall semester when they were notified of the immediate termination of their services. Moreover, when students in their department expressed concerns about the supposed program changes and the dismissal of these professors, Dr. Callahan replied to them in a September 15 e-mail: "Let me just say in advance in order to quell any misconceptions, there are no changes planned for the program itself or any of the tracks. We are committed to the program and all of the tracks and the learning experiences of each and every student." The investigating committee is unable to reconcile what Dr. Callahan wrote to Professors Kubacki and Roedel on August 29 regarding the reason for their dismissal and what he said to the students shortly thereafter.

According to the administration, the need for the actions against Professors Kubacki and Roedel resulted from the discovery, earlier that summer, of an impending financial crisis arising from the effects of declining enrollments on what many say is a "tuition-driven" institution. The investigating committee was told that new information had become available about an alarming drop in enrollment in the psychology department, and that the interim president, Dr. Lininger, had held a meeting on August 2 at which the director of admissions reported fall 2005 enrollment figures revealing that psychology had significant retention problems and was not meeting its projected enrollment numbers. Because Bastyr had experienced an \$800,000 budget shortfall, the situation in psychology was determined to require an immediate response, resulting in the termination of the Roedel and Kubacki appointments. President Church first heard of the impending action in mid-August from Dr. Lininger, who, according to President Church, noted the psychology department's need for new energy and leadership. Several faculty members whom the investigating committee interviewed contradicted the purported dire state of psychology, saying that other departments had occasionally experienced dramatic shifts in enrollment and that, overall, the relatively new psychology completion degree program had shown remarkable growth. Administrators did not contest that the psychology department's programs and courses continued essentially unchanged during 2005–06, that two additional faculty members were appointed later that year

to teach in the department, and that a search was undertaken to find replacements for the Kubacki and Roedel positions. The investigating committee believes that the continuation of the program and the recruitment of replacement faculty belie any implication that the actions against Professors Kubacki and Roedel were motivated by financial difficulties or changes in departmental direction.⁶

In its meetings with key administrative officers, the investigating committee was told that the actions were also based on an evaluation of the performance of the two professors, specifically that their interest in developing proposals for new graduate programs had distracted them from focusing on undergraduate education, that their teaching evaluations “were not stellar,” and that they “didn’t teach much in the undergraduate program by their choice.” According to administrators, the reference in the letters to the professors concerning needed changes in the direction of the department had to do with “a change in direction to focus on the undergraduate program.” An analysis of Professor Roedel’s and Professor Kubacki’s 2004–05 workload suggests, however, that they made substantial contributions to the undergraduate teaching schedule. For 2004–05 Professor Roedel’s service was allocated 28 percent to administration and clinical supervision and 72 percent to teaching ten classes, half at the undergraduate and half at the graduate level, with a 45–55 percent split in proportional credits. Professor Kubacki’s service was allocated 79 percent to administration and clinical supervision and 21 percent to teaching, and all three of the classes he taught were for undergraduates.

Professors Roedel and Kubacki surmised—and a number of other faculty members agreed—that their support for the extension of faculty rights and the development of graduate programs in psychology played a role in the decision to dismiss them. Both of them had participated actively in efforts to revise the faculty manual, to communicate faculty concerns to the board, and to

look into the formation of faculty advocacy groups. Professor Roedel’s advocacy had brought him into conflict with Dr. Lininger, and he had also found himself in conflict with Dr. Callahan about the psychology curriculum and other matters. Professor Kubacki, too, had curricular and other conflicts with Dr. Daley and Dr. Callahan.

The investigating committee finds sufficient evidence to substantiate the claim by Professors Roedel and Kubacki that they were dismissed because of their disagreement with administrators over the future of the psychology programs at Bastyr, because of their advocacy of faculty rights, or both, reasons that indicate that the actions against the professors were in violation of their academic freedom.

E. AT-WILL APPOINTMENTS AND ACADEMIC FREEDOM

The Bastyr University faculty handbook sets forth “as policy the entitlement of academic freedom for all members of its faculty, as defined by the Association of American Colleges and the American Association of University Professors,” and quotes provisions on academic freedom in the 1940 *Statement of Principles on Academic Freedom and Tenure*. The 1940 *Statement*, in provisions not quoted at Bastyr, explains the role of tenure in ensuring academic freedom:

Tenure is a means to certain ends; specifically:

(1) freedom of teaching and research and of extramural activities, and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.

The 1940 *Statement* goes on to provide that all full-time faculty members, regardless of rank or title, upon retention beyond a probationary period not to exceed seven years, “should have permanent or continuous tenure, and their service should be terminated only for adequate cause . . . or under extraordinary circumstances because of financial exigency.”

Bastyr affords neither tenure nor long-term contracts to any of its faculty. Rather, faculty handbook provisions afford the university administration full discretion to terminate employment as long as it is permitted under Washington State employment and contract law. As previously noted, Section 3.2 of the Bastyr University faculty handbook states, “Employment at Bastyr University is ‘at will’ and as such is terminable with or without cause or notice at any time by the university or

6. In their comments on the prepublication draft of this report, Bastyr administrators stated,

Upon careful review, administrators understood they had a viable program in psychology, but changes were urgently needed to revitalize the undergraduate program rather than taking the undesirable steps to close it. The university had an academic program in distress and administrators exercised their responsibility owed to the students and faculty to make a decision they deemed to be in the university’s best interests.

by the employee. . . . [W]e reserve the right to terminate employees at our discretion.” The undersigned committee concurs in what a previous AAUP investigating committee reported on the effect of at-will contracts on the exercise of academic freedom:

Employment-at-will contracts are by definition inimical to academic freedom and academic due process, because their contractual provisions permit infringements on what academic freedom is designed to protect. Since faculty members under at-will contracts serve at the administration’s pleasure, their services can be terminated at any point because an administrator objects to any aspect of their academic performance, communications as a citizen, or positions on academic governance—or simply to their personalities. Should this happen, these faculty members have no recourse, since the conditions of their appointment leave them without the procedural safeguards of academic due process. Moreover, the mere presence of at-will conditions has a chilling effect on the exercise of academic freedom. Faculty members placed at constant risk of losing their position by incurring the displeasure of the administration must always be on guard against doing so.⁷

The investigating committee has examined the final individual employment contracts between Bastyr and Professors Kubacki, Roedel, and Myer. Each follows the same standard form. They modify the at-will stipulation recited in the faculty handbook by providing a stated term of employment, but they expressly deny any presumption of renewal. For example, Professor Kubacki’s final contract provides in part:

Bastyr agrees to employ and Employee agrees to serve the university from September 1, 2004, to August 31, 2005, as a member of Bastyr’s core faculty with the duties designated below. Employee’s employment shall cease at the end of this term unless the Employer, in its discretion, decides to offer an additional term of employment. No stigma attaches merely upon nonrenewal of appointment because nonrenewal may

result from any one or more of several factors, including but not limited to: (1) programmatic and curriculum considerations; (2) financial and enrollment factors; (3) Employee’s failure to meet or exceed Employer’s minimum performance standards; (4) changes in the Employer’s mission, policies or priorities. Satisfactory performance does not guarantee renewal of appointment.

Except for the contract term dates, the language was identical in Professor Myer’s and Professor Roedel’s final contracts.

Bastyr University’s policies, reflected in its contracts, provide no protections for academic freedom, and certainly not its necessary safeguard, the security of indefinite tenure. The university policies deny any obligation to provide advance notice of, or reasons for, nonretention, and they deny faculty members opportunity to contest a decision on nonretention. Indeed, the university’s limitations on subjects for grievance deny a faculty member any forum in which to raise the possibility that nonretention was expressly motivated by an attempt to suppress or retaliate for a faculty member’s exercise of academic freedom.

The investigating committee finds the administration’s position on these matters to be at odds with the institution’s stated commitment to academic freedom and antithetical to its presumed commitment to higher learning.

F. GOVERNANCE AND ACADEMIC FREEDOM

In its initial years, Bastyr University had a collegial or “flat” governance structure with a small faculty and administration sharing the responsibilities and the excitement of pioneering a new, nontraditional school of medical treatment and health care based on a synthesis of spiritual, psychological, social, and physical wellness. Faculty members recall a climate of close collaboration, trust, and mutual respect. Initially, administrative officers also taught and were part of an interdisciplinary faculty in which some were designated “lead faculty.” Gradually, as the institution grew and as diverse degree programs were added, administrative and academic structures became both more specialized and more stratified. Over time, a departmental structure evolved, and the recent move to a “schools” model reflected a further stage of increasing hierarchy. As Bastyr’s organizational structure was evolving in this manner, the institution’s policies, procedures, and practices were similarly changing.

7. “Academic Freedom and Tenure: University of the Cumberland (Kentucky),” *Academe: Bulletin of the American Association of University Professors* 91 (March–April 2005): 110.

By the time that the administration took its actions in 2005 against Professors Myer, Roedel, and Kubacki, two incommensurate parallel cultures of governance had evolved at Bastyr. One existed in written documents that included rights to academic freedom and some appeals procedures with limited applicability that effectively allowed the administration to revise or bypass them. The second consisted of a set of unwritten community practices that fostered faculty expectations of meaningful protections for academic freedom, due process, and shared governance. A resulting disjunction between Bastyr's written regulations and its actual practices was in place when the events that have been the focus of this investigation occurred.

The AAUP emphasizes the importance of a system of governance that allocates authority and responsibilities for the conduct of the institution's mission among the governing board, the administration, and the faculty in a manner that recognizes each body's particular expertise. In its 1994 statement, *On the Relationship of Faculty Governance to Academic Freedom*, the Association made the connection between shared governance and academic freedom explicit:

[A] sound system of institutional governance is a necessary condition for the protection of faculty rights and thereby for the most productive exercise of essential faculty freedoms. Correspondingly, the protection of the academic freedom of faculty members in addressing issues of institutional governance is a prerequisite for the practice of governance unhampered by fear of retribution. . . . [S]ince the faculty has primary responsibility for the teaching and research done in the institution, the faculty's voice on matters having to do with teaching and research should be given the greatest weight. . . . The academic freedom of faculty members includes the freedom to express their views (1) on academic matters in the classroom and in the conduct of research, (2) on matters having to do with their institution and its policies.

A significant lapse regarding governance at Bastyr is the lack of a standing faculty committee that has authority to review adverse administrative actions against individual members of the faculty. In each of the three cases discussed in this report, there is credible evidence that a major motivating factor for the dismissals was the faculty member's expression of views on teaching methods, program design, and institution-

al policies in areas such as faculty compensation and governance. The investigating committee believes that meaningful faculty review of the reasons for dismissal would have provided a constructive way to air and perhaps even resolve the underlying issues and problems from the perspective both of the administrators and of the subject faculty members.

Bastyr University regrettably lacks most of the characteristics of shared governance found at colleges and universities that respect and implement faculty views in the faculty's areas of expertise. Faculty members do serve on the Appointments and Promotion Committee, but while this committee evaluates prospective faculty, reviews applications, and makes recommendations for promotion, it has no say in decisions about the renewal of faculty appointments. Administrators as well as faculty members told the investigating committee that decisions on promotion were effectively made by the faculty member's immediate supervisor, the vice president, and the president.

The investigating committee finds that the lack of a system of shared governance at Bastyr University is a significant obstacle to the development of procedures and practices that would afford academic due process. The collegial spirit of the early days of Bastyr has unfortunately evolved into a hierarchical, management-dominated system of governance that provides an extremely poor climate for academic freedom.

V. Conclusions

1. The Bastyr University administration's actions against Professors Suzanne Myer, William Roedel, and Steven R. Kubacki constituted dismissals without demonstration of adequate cause or affordance of other safeguards of academic due process set forth in the 1940 *Statement of Principles on Academic Freedom and Tenure* and the 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings*.

2. Evidence in the cases of Professors Roedel and Kubacki indicates that the administration dismissed them in violation of their academic freedom as enunciated in the 1940 *Statement of Principles* and in the university's own stated policies. In dismissing Professor Myer on the basis of the reasons they provided to her, the administration acted in violation of her academic freedom as well.

3. The exclusive use of "at-will" faculty appointments and the lack of shared governance at Bastyr University have contributed to an unacceptably poor climate for academic freedom and due process. ☹

ROXANE H. GUDEMAN (Psychology), Macalester College, chair

KATHLEEN M. O'NEILL (Law), University of Washington Investigating Committee

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

Chair: DAVID M. RABBAN (Law), University of Texas

Members: RONALD ATLAS (Chemistry), University of Louisville; LINDA COLLINS (Political Science), Los Medanos College; SHELDON KRIMSKY (Biomedical Ethics and Science Policy), Tufts University; SUSAN MEISENHELDER (English), California State University, San Bernardino; DAVID MONTGOMERY (History), Yale University; ROBERT C. POST (Law), Yale University; ADOLPH L. REED (Political Science), University of Pennsylvania; ANDREW ROSS (American Studies), New York University; CHRISTOPHER M. STORER (Philosophy), DeAnza College; CARY NELSON (English), University of Illinois, ex officio; ROGER W. BOWEN (Political Science), ex officio; MARY L. HEEN (Law), University of Richmond, ex officio; ERNST BENJAMIN (Political Science), Washington, D.C., consultant; JOAN E. BERTIN (Public Health), Columbia University, consultant; MATTHEW W. FINKIN (Law), University of Illinois, consultant; ROBERT A. GORMAN (Law), University of Pennsylvania, consultant; JEFFREY HALPERN (Anthropology), Rider University, consultant; LAWRENCE S. POSTON (English), University of Illinois at Chicago, consultant; MARTHA MCCAUGHEY (Interdisciplinary Studies), Appalachian State University, liaison from Assembly of State Conferences.