

ACADEMIC FREEDOM AND TENURE: OLIVET NAZARENE UNIVERSITY (ILLINOIS)¹

This report concerns action taken in May 2007 by the administration of Olivet Nazarene University to remove Richard Colling, a tenured professor of biology with twenty-six years of service to the institution, from his usual teaching responsibilities for general biology and to prohibit the use of his 2004 book, *Random Designer: Created from Chaos to Connect with the Creator*, in all university courses. The president took this action after a controversy arose within the university's denominational constituency over Professor Colling's views on evolution.

Olivet Nazarene University is located in Bourbonnais, Illinois, a city of approximately sixteen thousand people situated about fifty miles south of Chicago and about two miles north of Kankakee. The university traces its beginnings to 1907, when several families belonging to the Eastern Illinois Holiness Association established a grammar school at Georgetown, Illinois. In 1908, these families moved the school to the nearby city of Olivet, adding secondary-level instruction to the curriculum. A year later, they founded a liberal arts college on the site, naming it Illinois Holiness University. In 1912, to obtain a larger constituency, the trustees established an affiliation with the newly organized Church of the Nazarene, today the largest of the Wesleyan-Holiness denominations in the United States. Following a period of slow growth, various additional name changes, and financial difficulties, the institution became Olivet Nazarene College in 1940 and moved to the forty-two-acre site of a defunct Roman Catholic college in Bourbonnais. Over the next decades, the college grew more rapidly, adding new buildings and acreage, diversifying the curriculum,

and increasing enrollment. In 1986, the college changed its name to Olivet Nazarene University.

Accredited since 1956 by the North Central Association of Colleges and Schools, the university offers associate, bachelor's, master's, and, since 2007, doctoral degrees. Its approximately 2,600 undergraduate and 2,000 graduate students come from more than forty states and twenty countries and more than thirty religious denominations, though the majority belong to the Church of the Nazarene. According to its catalog, the university's mission is "to provide high-quality academic instruction for the purpose of personal development, career and professional readiness, and the preparation of individuals for lives of service to God and humanity." ONU's motto is "Education with a Christian Purpose."

The university's Web site describes its more than two hundred faculty members as "committed Christians dedicated to teaching"; by signing their contracts, faculty members agree to "support the Articles of Faith and lifestyle standards of the Church of the Nazarene." The university ceased offering tenured appointments in 1993. Consequently, most faculty members now serve on yearly appointments for the first six years of employment, after which they may be granted extended contracts covering from one to five years.

For the purpose of supporting the eight liberal arts institutions in the United States affiliated with the Church of the Nazarene, the church has divided the country into eight regions, one for each institution, and each region allocates about 3 percent of its yearly budget to its own college or university. Olivet Nazarene receives financial support from the more than eight hundred congregations that make up the church's Central Educational Region, an area comprising Illinois, Indiana, Michigan, and Wisconsin. About \$3 million of the institution's approximately \$62 million annual budget comes from church sources. ONU's endowment remains small, standing at \$16.8 million at the end of the 2005–06 fiscal year. Olivet Nazarene is governed by a fifty-five-member board of trustees; almost all of the trustees are clergy and lay representatives from the eleven districts that make up the Central Educational Region, with members of the clergy, including the superintendents of all eleven districts, forming the majority.

1. The text of this report was written in the first instance by 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 member at whose request the investigation was conducted, to the administration of Olivet Nazarene 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.

The Reverend Ted R. Lee, superintendent of the church's Indianapolis district, currently serves as board chair; the Reverend Stephen T. Anthony, superintendent of the Eastern Michigan district, is vice chair.

The university's president since 1991 has been Dr. John C. Bowling. He had previously served as senior pastor of two Nazarene churches and as a professor at Nazarene Bible College in Colorado Springs. He holds undergraduate and master's degrees from Olivet Nazarene University, a doctoral degree in education from Southwestern Baptist Theological Seminary in Fort Worth, and a Doctor of Ministry degree from Southern Methodist University.

Professor Colling earned his PhD in microbiology and immunology at the University of Kansas in 1980 after having graduated from Olivet Nazarene in 1976. Prior to returning to Olivet in 1981 as a faculty member in the biology department, Professor Colling held a post-doctoral fellowship at the Baylor College of Medicine. He has also worked as a consultant for such companies as Bayer Laboratories and Pioneer HiBred Biotechnology. He was granted tenure at Olivet in 1988, five years before the institution ceased making tenured appointments, and he served as chair of the biology department for twenty-three years, stepping down from this position in 2004 to devote more time to teaching and writing. Professor Colling has routinely taught advanced courses in microbiology, immunology, and molecular biology, as well as general science courses for nonmajors. In 2000, the university recognized him as faculty member of the year.

I. The Events

After twenty-three years of uncontroversial and, from all reports, distinguished service at Olivet Nazarene University, Professor Colling became the object of criticism following the publication in December 2004 of *Random Designer*, a book that undertakes to demonstrate, to a broad, nonspecialist readership, how the scientific theory of evolution is compatible with the traditional religious belief in God as creator, a view known as "theistic evolution." The book's jacket gives the following account of its contents: "Written in easy-flowing personal narrative for working professionals, pastors, religious leaders, public school teachers, college students, and people of all faiths, *Random Designer* is a story of a loving and caring Creator who miraculously harnesses the random chaotic forces of nature to accomplish His ultimate purposes."

Prior to its official release, reaction to the book from pastors and ONU professors and administrators had been almost universally positive. The president, who had

read early drafts of the book, purchased copies to distribute to church officials. But after its release, the book began to attract national media attention, partly through the efforts of Professor Colling, and, with it, the first significant negative reaction. In the December 3, 2004, issue of the *Wall Street Journal*, columnist Sharon Begley gave a favorable account of the book and its author in her weekly "Science Journal" column. At Olivet Nazarene, "as soon as you mention evolution in anything louder than a whisper," she quoted Professor Colling as saying, "you have people who aren't very happy." That kind of response, Ms. Begley wrote, has not "stopped Prof. Colling . . . from coming out swinging," and she proceeded to describe how *Random Designer* not only defended evolution but also attacked intelligent design.

The *Wall Street Journal* column provoked one of the first complaints about the book and its author, a December 9 letter from an ONU alumnus to President Bowling that contained the sort of criticism that the president was to hear with increasing frequency over the next three years. The writer began by quoting the Gospel of Matthew, chapter 18: "But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea." He went on to suggest that the teaching of evolution at the college would destroy the faith of Olivet students. And he closed by reminding the president that "the responsibility for permitting this perversion of scripture falls on your shoulders, and around your neck."

Complaints from alumni, church leaders, and parents continued during the 2005–06 academic year, some of it responding to articles that Professor Colling had published in various newspapers. In "Not Such Intelligent Design," which appeared in the November 27, 2005, issue of the *Chicago Tribune*, Professor Colling stated that, despite the "clear" and "compelling" evidence supporting evolution, "many Christians remain skeptical, seemingly mired in a naive religious bog that sees evolution as merely a personal opinion, massive scientific ruse or atheistic philosophy." In a letter to President Bowling voicing objections to what Professor Colling had written, an alumnus asked, "How can Olivet call [itself] a school 'With a Christian Purpose' but . . . take Christ out of creation and back Evolution? . . . How did this Mr. Colling ever get hired and why would you allow him to write an article for a major newspaper that represents Olivet as a 'Christian' school that backs evolution?" Demanding Professor Colling's resignation, the writer informed the president

that he would not donate to the school or recommend it to prospective students “until this is resolved.”

In responding to Professor Colling’s critics, President Bowling pointed out that the Church of the Nazarene does not officially oppose the view of evolution espoused by Professor Colling. In a letter to one angry alumnus, for example, he quoted from the manual of the Church of the Nazarene to indicate the church’s current position on the issue of creation:

The Church of the Nazarene believes in the biblical account of creation (“In the beginning God created the heavens and the earth . . .”—Genesis 1:1). We oppose any godless interpretation of the origin of the universe and of humankind. However, the church accepts as valid all scientifically verifiable discoveries in geology and other natural phenomena, for we firmly believe that God is the Creator. (903.8)

He proceeded to interpret the passage as allowing “some latitude within the Church regarding the ‘how of creation’ as long as God was still affirmed as the creator:

That fact is troubling to many, but at this point and throughout its history, the Church of the Nazarene has taken a stand to affirm, without hesitancy, that God and God alone is the sole creator (the who); but then is less definitive concerning the “how” of creation saying that only a “*godless interpretation['] of the evolutionary hypothesis* falls outside of the official position.

Therefore, he continued, the church’s understanding of creation is large enough to include Professor Colling’s theistic view of evolution:

[T]here appears to be enough room in the Church of the Nazarene statement for Dr. Colling’s position; for implied (by Rick and others) is that one could hold to some form of “theistic evolution”—that God was at work through the ages using some form of the evolutionary process as the creative means by which the world came into existence.

It should be noted, however, that in these letters defending Professor Colling, President Bowling did not mention that Professor Colling was not the only science professor at ONU who included evolutionary theory in his courses. In fact, all of the members of the biology department accepted the scientific validity of the theory of evolution and treated evolution when appropriate in their classes. Nor did he mention that the theory of evolution had been accepted and taught in the science departments at Olivet Nazarene for at least forty years

and was being routinely taught in the denomination’s seven other colleges and universities. Instead, in at least some of his letters, the president made it a point to emphasize that Professor Colling’s views were not those of the university and that “many” in the church and on campus disagreed with them.

An indication of how President Bowling was viewing this developing controversy can be seen in a February 9, 2006, e-mail message to Professor Colling. Professor Colling had offered to meet with the president to assist him in formulating replies to his critics. In response, President Bowling stated that he did not think a meeting was necessary. “The problem,” he wrote, “is not a communication problem between you and me—it is the wider reaction and negative responses that come from how folks interpret what you say and write.” As the president persisted in his efforts to alleviate the concerns of these critics, he would continue to send copies of some of their letters to Professor Colling so that Colling could see how he was “being perceived by some and how [that perception] impacts the reputation of ONU.” In closing, the president stated, “I think this will all pass away and we’ll be okay. It just takes a lot of time and energy.”

As it turned out, the president’s belief that the problem would disappear was unduly optimistic. For included among those troubled by serious concerns about Professor Colling and his views were religiously conservative members of the board of trustees, in particular its chair and vice chair, Dr. Ted R. Lee and Dr. Stephen T. Anthony, district superintendents of the Indianapolis District Church of the Nazarene and the Eastern Michigan District Church of the Nazarene, respectively. On April 3, 2006, President Bowling informed Professor Colling that Dr. Lee and Dr. Anthony, as well as the other nine district superintendents serving on the board of trustees, wished to meet with him. According to Professor Colling, the president was unable to identify a specific agenda for the meeting, despite Professor Colling’s repeated requests, but did say that it would entail a “cordial exchange” of ideas and an “opportunity to educate and inform” this group of board members about the views expressed in his book.

The meeting with the district superintendents, which took place on May 4, 2006, proved to be a critical turning point in Professor Colling’s fortunes at Olivet Nazarene. According to Professor Colling’s account, the meeting began cordially enough, after Dr. Lee’s jocular assurance that it was not to be “an inquisition.” Following President Bowling’s advice, Professor Colling opened the formal part of the meeting by sharing the

testimony of his own spiritual journey, including the events that led to his sense of being called by God to write *Random Designer*. Then he spoke at length about evolution and the view of it contained in his book. But when it came time for questions, Professor Colling recalls, the atmosphere changed dramatically. Dr. Anthony began by reading a letter from a church member who had asserted that he would withhold his contribution to the university and not send his child to ONU if it were indeed true that Professor Colling was “teaching evolution as fact” and thereby destroying students’ faith in the Bible. When Dr. Anthony asked Professor Colling, reportedly in an angry tone, how he was supposed to respond to such a letter, Professor Colling indicated that if Dr. Anthony needed assistance in responding to the science component of the complaint, he would be willing to help him develop a better understanding of the scientific issues. The meeting grew more tense, according to Professor Colling’s account, when Dr. Lee asked him a series of questions that seemed intended to test his orthodoxy, such as whether he believed that Jesus had turned water into wine, that Jesus was born of a virgin, and that God created Adam from dust and Eve from the rib of Adam. Professor Colling recalls feeling defensive and irritated, even as he tried to frame nuanced answers to these questions. According to Professor Colling, the meeting ended with several participants referring vaguely to theological deficiencies in his book, though no particular deficiency was identified.

On May 17, Professor Colling met with the president and the vice president for academic affairs, Gary Streit, to review the meeting with the district superintendents. Neither administrative officer had as yet heard any reaction from members of the board of trustees. Nevertheless, both the president and the vice president now viewed the meeting as having turned out badly, Professor Colling reports, and seemed to think that he was largely to blame for the outcome, because he had come across, they said, as too dogmatic in his statements about science and too cautious in his answers to the theological questions. According to Professor Colling, the president expressed regret for having allowed the meeting to take place at all.

On June 23, President Bowling met again with Professor Colling, after having heard from Dr. Lee and Dr. Anthony. According to Professor Colling’s account of this meeting, the president’s first words were “I don’t think I can save your job.” He said that he had met the previous week with Dr. Lee and Dr. Anthony and, as a result of that meeting, was convinced that they would seek Professor Colling’s dismissal at the fall board

meeting. In reply to Professor Colling’s inquiry about their reasons for seeking to terminate his appointment, President Bowling said that they felt that Professor Colling’s answers to the theological questions had been “inadequate.”² As a means of addressing this concern, Professor Colling suggested a strategy that he and the president ended up employing later—that he write a letter to the board affirming his commitment to the church’s articles of faith.

Communications with President Bowling and others during the following week indicated to Professor Colling that the president’s support for him was eroding. One such communication was a lengthy e-mail from the president, dated July 1, containing a detailed critique of the theological section of *Random Designer* and posing four specific questions regarding the book’s religious content. What Professor Colling did not discover until fifteen months later was that this letter appeared to be derived from a critical review of *Random Designer* that a theologically conservative member of the religion department—Professor Mark Quanstrom—had provided to the board of trustees, at the behest of Dr. Lee, in spring 2006. At the time, however, Professor Colling knew only that the president, who had up to this point expressed no reservations about the content of his book, suddenly was conveying to him a list of concerns about its theology. Professor Colling viewed this apparent turnabout in the president’s support for him with disappointment and alarm.

2. Another district superintendent who was present made the following comments in an October 23, 2007, e-mail to one of Professor Colling’s supporters:

For me . . . the issue has never been one of science but of the spirit and attitude portrayed by Dr. Colling before that body. . . . His arrogance was very troubling. . . . Perhaps most troubling, and what left me and, I suspect, the other [district superintendents] most saddened was that he refused to declare his belief in basic statements of the Christian faith and dogma that are universally accepted. . . . It really could have ended right then; instead, he drew a battle line and forced Dr. Bowling and the university to take action.

Several other district superintendents who were present, however, expressed their appreciation to Professor Colling for his remarks at the meeting. One wrote in an e-mail, “You have done the Lord and the church a service in tackling this issue that can be so easily misunderstood. My prayers are with you as you continue to serve ONU and church in these complex and challenging days.”

As a result, Professor Colling initially responded with little enthusiasm when the president proposed, in a July 2 e-mail, that Professor Colling follow through on his June 23 suggestion and write a letter to board members affirming his faith commitments. Nevertheless, he began drafting such a letter almost immediately and, by July 5, with the assistance of several colleagues, he had written several versions. On July 6, Professor Colling met with the president and others to discuss the latest draft, and, according to Professor Colling's account of that meeting, the president commented that the letter was "strong" and offered to write a cover letter endorsing Professor Colling.

Both letters were sent in early August to all board members, the six general superintendents of the Church of the Nazarene, and ONU academic administrators and department heads. In his cover letter, President Bowling asserted his support for Professor Colling: "I have confidence in Dr. Colling's Christian character and his sincere desire to teach ONU students with personal and professional integrity." Employing the same language he had used in his earlier responses to Professor Colling's critics, President Bowling wrote, "[T]here appears to be enough room in the Church of the Nazarene statement(s) for some forms of 'theistic evolution'—that God was at work through the ages using some form of the evolutionary process as the creative means by which the world came into existence." In his letter, Professor Colling affirmed his lifelong dedication to the church and his professional dedication to science. "I believe that my teaching and writings are both scientifically accurate and thoroughly compatible with the Church of the Nazarene Manual statement on Creation," he wrote, adding, "I have always and continue to support and respect the Articles of Faith of the Church of the Nazarene, as well as the Manual statement regarding Creation."

At first, the joint letters appeared to have accomplished their purpose; no action was initiated against Professor Colling at the October board of trustees meeting. Several weeks before that meeting, however, President Bowling had recounted in an e-mail message to Professor Colling a recent meeting with Dr. Lee and Dr. Anthony. In that message, he noted that the two men still harbored "some lingering concerns" and that, in the president's opinion, the controversy had "damaged Olivet's perception among many of our constituents and . . . called my leadership into question both here on campus and with a segment of churches of the region." Further, during a September 27 meeting among the president, Professor Colling, and biology department chair Randal Johnson, President Bowling had indicated, according to Professor Colling's notes of that meeting, that Dr. Lee and Dr. Anthony had

set aside their dismissal plans only for the time being and were asking for two concessions: that evolution be taught only as a "theory," not as "fact," and that *Random Designer* no longer be used as a textbook in university courses. In response, Professors Johnson and Colling told the president that evolution would be taught as it always had been—as a scientific theory—and that *Random Designer* would be required only in an upper-level course on science and religion and would be made optional for general biology, positions to which the president assented. The remainder of the fall semester passed without major incident.

Outside criticism of Professor Colling, however, did not cease. A February 19, 2007, letter to the president from leaders of Caro Church of the Nazarene in Michigan, copied to Dr. Anthony in his capacity as ONU board vice chair and Eastern District superintendent, expressed "a deep concern regarding the teaching of evolutionary theory as a scientifically proven fact at ONU. It deeply concerns us that a teacher [Professor Colling] who believes these things and has taught them is allowed to continue in his position." The letter asserted, "It is impossible to know how much damage has been done to students and to the reputation of ONU already because this was allowed. To the community at large and to the church the appearance that the professor is right on these issues is given because no disciplinary action has been pursued."

The writers, who noted that this was their second letter to the president, recommended that Professor Colling be paid for the balance of his contract and that he be dismissed from the institution. "We, the Church Board of the Caro Church of the Nazarene," the letter continued, "feel strongly enough about the situation that the ONU portion of the Education Budget will not be remitted after this year, and will continue to not be remitted as long as the professor remains at ONU." President Bowling met with these church leaders in April 2007 to discuss their concerns. Subsequent events suggest that the letter sent by the Caro church, and perhaps others, were on the agenda when the board of trustees held its annual meeting on Friday, May 4.

On the Monday following the board meeting, President Bowling revealed that he had decided to take action in regard to Professor Colling. In a meeting that he had called with Professor Colling, Professor Johnson, and Dean Gregg Chenoweth of the College of Arts and Sciences, President Bowling distributed and then read a letter dated May 7, 2007, setting forth his decision to remove Professor Colling from his responsibilities for teaching general biology, to ban the curricular use of

Random Designer, and to employ team teaching by biology and religion faculty when biological origins were taught in general education courses. The letter began by referring to the administration's attempts to respond, over the previous few years, to "a variety of concerns regarding the teaching of 'evolution'" at Olivet. It went on to set forth the president's understanding of the issues and to set forth his directives:

In spite of my efforts in all of these situations, there remains what I consider to be a significant and growing level of apprehension about this among many of our constituents. This is resulting in a diminished level of confidence, on the part of many of our constituents, in our ability at Olivet to teach biological science in a way that does not erode the Christian faith of our students.

The issue is predominantly linked to the teaching, writing and comments of Dr. Colling. His book, *Random Designer*, and its use at Olivet has become a particular source of distress for many. I am concerned that the negative attention being focused upon Dr. Colling and his book is undermining our ability to engage in a constructive dialogue about these critical theological and scientific matters. I also believe that we need to reduce the tension and hostility surrounding the discussion of these issues to guard against any interference with the academic and spiritual development of our students.

Therefore, as President of the University, I have decided on the following course of action: I am asking (1) that Dr. Colling not be assigned to teach general biology, (2) that the book *Random Designer* not be used or promoted in any way in courses taught at Olivet, not as a required text or a supplemental text or as collateral reading, etc. and (3) that when the issues of biological origins are taught in general biology or Christian formation classes, those presentations be team-taught by inviting a biology professor and a professor from the School of Theology and Christian Ministry to participate in the lectures.

This is not intended to constitute discipline against Dr. Colling but simply to reduce the current of controversy surrounding these issues to a manageable level. I would be open to revisiting this action in the future if it is in the best interests of the students, the University, and our community of faith.³

3. The third directive set forth in President Bowling's letter was never implemented.

According to Professor Colling, when Professor Johnson asked whether the three elements of the president's "course of action" were requests or directives, President Bowling answered, "Directives."

Professor Colling has stated that he and his chair expressed serious concerns to the president about the potentially chilling effect of the directives on academic freedom, particularly those aimed at Professor Colling's teaching assignments and the use of his book in the classroom. Professor Colling also reports that when he asked the president what in his book was scientifically or factually inaccurate and what about his book or his teaching conflicted with the university's mission, Christian doctrine, or the statements contained in the manual of the Nazarene Church, the president responded, "Nothing that I know of."⁴ Dean Chenoweth then proposed, with Professor Colling's approval, that Professor Colling continue to teach general biology in the presence of a member of the religion faculty and that the lectures be videotaped and made available to those with concerns, an option the president declined.⁵

4. In a response to a prepublication draft of this report sent to the Olivet Nazarene administration for its comments, Dr. Gregg Chenoweth, now serving as vice president for academic affairs as well as dean of arts and sciences, stated the following: "Dr. Bowling does not deny making that statement, but clarifies that he meant the book articulated no blatant heresy. Dr. Bowling did not intend to suggest that the book was incapable of being theologically provocative to students nor raise theological implications worthy of review."

5. Vice President Chenoweth has stated the university's position on this matter:

Dr. Colling remains tenured with full salary, benefits, and rank. He carries a full course load in his specialty and is free to teach Theistic Evolution consistent with the theological position of the University's denomination and the Faculty Handbook. His book, *Random Designer*, is being sold by the University in our Bookstore. In fact, it is the only self-published faculty book sold there, an unusual arrangement that benefits Dr. Colling financially. There are also four copies on reserve in our library. Moreover, students' educational experiences have not been compromised. Departmental curricula have not changed as a result of President Bowling's May 2007 decision. Dr. Colling also has benefited from years of documentable public, private, internal, and external advocacy by the President, myself, faculty, and some superintendents of our denomination. In some respects, this support continues even to this day. None of this suggests a faculty member has been "severely sanctioned" or one whose "academic freedom" has been abridged.

In a May 17 letter to the president, Professor Colling voiced strong objections to the directives, stating his fear that “they may represent an unnecessary and serious blow to the integrity of the University’s mission statement and faculty/student academic freedoms.” He asked the president again to provide specific examples of “deficiencies” in his teaching and writings that justified the issuance of the directives against him. The president replied in a letter of June 1, in which he stated that his action was not premised upon a determination that Professor Colling’s work was in any way deficient, but rather recognized

the fact that the concerns which I have received and have sought to address across the past few years were concerns with specific references to you, as compared to references to the department as a whole or to other individuals specifically. The fact that you have become the light[n]ing-rod of these concerns may seem unfair or not based in fact, but that does not change the reality or nature of those concerns being voiced to me.

“I emphasize that my decision about how to handle this matter does not constitute discipline against you,” President Bowling continued. “Please be assured that I have no negative feelings or intentions toward you whatsoever.”

On May 30, 2007, President Bowling met with the biology department and other interested members of the faculty to discuss the directives and the events that had led to their issuance.⁶ After passing out copies of the directives letter, the president began by explaining the reasons for his action, which he characterized as the university’s response to Professor Colling’s book and the “media hype” it had generated. The president indicated that, in the wake of this publicity, the district superintendents on the board had also been receiving questions from pastors and laypeople regarding the teaching of evolution at ONU. In response to these concerns, the district superintendents had initiated the May 4, 2006, meeting with Professor Colling, which the president characterized as a “disaster” because “it only raised more questions,” especially in the minds of Dr. Lee and Dr. Anthony. The president discussed the joint letters that he and Professor Colling had sent the board and others in an attempt to reassure Professor Colling’s critics. He

told the assembled faculty members that, despite these efforts, “things began to pick up again,” beginning in December 2006. He stressed that in the last few months he had spoken at eleven fund-raising dinners and that, at every one of them, he heard questions, many though not all of them critical, regarding Professor Colling and the teaching of evolution at the university. Finally, he referred to a letter from a “medium-sized church” in Dr. Anthony’s district (presumably, Caro Church of the Nazarene) stating its determination to cease contributing to the university so long as Professor Colling remained a member of the faculty. President Bowling revealed that after receiving this letter he felt that he had only three choices for dealing with the growing problem: “fight it, ignore it, [or] remove Colling” from the general biology course. He indicated that he had made up his mind before the May board meeting to “remove Colling.”

After reading the directives, President Bowling handled questions, many of which concerned how his decision would affect academic freedom. Faculty members pressed the president on what his action against Professor Colling meant for the content of their courses. Asked if he expected them to make any changes to biology offerings, the president said no. Asked if instructors could use another book with the “same content” as *Random Designer*, the president said yes. When a biology professor asked why the president did not resist Professor Colling’s critics and affirm the teaching of evolution at the university, he responded, “I think it is how it is taught and the attitude of instructors.” Another biology professor pointed out that Professor Colling was not the only one who believed and taught these views about evolution and faith and added, “We all stand by him.” The president responded, “We will still teach science.” The president stated that he had taken action to prevent the board from moving against Professor Colling and that he hoped issuing the directives would “appease them.”

On June 8, 2007, the chair and other faculty members of the biology department sent their own letter to President Bowling. After expressing their appreciation for his May 30 visit to the department, they asserted their understanding, based on what the president had told them at that meeting, that he did not believe the removal of Professor Colling from the general biology course was “a content issue” and that he knew that it would “not change the course content” nor “change the teaching of the science of evolution in other courses taught by the department.” Then, after praising Professor Colling’s service to the department, the letter took issue with the president’s action:

6. Although Professor Colling was not present, several of the faculty members in attendance took notes, and it is from such notes, the interviews conducted by the investigating committee, and other sources that the following account is taken.

We think that Dr. Colling is well suited to teach the topics of evolution and biological origins. As evidence, over the past two years, several Biology department faculty have sat in the General Biological Science course and have evaluated Dr. Colling's lectures on evolution. These members of our faculty have found his two lectures on evolution each semester to be scientifically sound and presented in a sensitive and appropriate manner. Thus, we think it will be a detriment to the general ONU student population because they will no longer receive the benefit of Rick's twenty five years of expertise in this and all of the other content areas of biology. From our perspective, we disagree with the decision to remove Dr. Colling from this course.

It also mentioned several possible unintended consequences of barring Professor Colling from teaching general biology:

We are concerned that the directive to restrict Dr. Colling from teaching in the General Biological Science course may establish a precedent that, although unintended, may 1) create an atmosphere of confusion and mistrust among students and faculty, and 2) may lead to other initiatives that would restrain our teaching the topic of evolution in other Biology classes. Such restrictions, which appear contrary to the Nazarene Manual and ONU Mission Statement, would be detrimental to ONU students and faculty and in our opinion, only serve to undermine the teaching of science in our department.

In its final paragraph, the letter quoted from the department's "Statement on Creation and Evolution," which it had drafted earlier that spring and which both endorsed the Church of the Nazarene manual statement on creation and asserted that as "a scientific explanation of the diversity of life on earth, inclusion of evolution is essential in a college biology curriculum."

Before receiving the president's June 1 letter, Professor Colling had written to him again on May 31, defending more fully his own teaching record and reiterating his hope that the president would reconsider his actions. Responding on June 20, President Bowling wrote, "I do not share your conviction that the solution lies in continuing to focus campus controversy upon you and your book. . . . I also respectfully disagree with your suggestion that this decision infringes upon your academic freedom." The president then stated that the "right of individual academic freedom is subject to the university's own right to determine who teaches classes and

which teaching materials are used in university classes," an institutional right that the president called "particularly compelling where, as here, the subjects being taught are profoundly related to the religious principles governing the institution."

Professor Colling wrote to the president at length again on July 29. In that letter he took issue with, among other things, the president's previous references to a "campus controversy" regarding his views on evolution and asserted that the president was in fact bowing to the demands of outside critics. Replying in a letter of August 3, President Bowling wrote that, despite his efforts, "there remained . . . a significant and growing level of apprehension about all of this among many of our constituents. This was, in my opinion, resulting in a diminished level of confidence, on the part of many of our constituents, in our ability at Olivet to teach biological science in a way that does not erode the Christian faith of our students."

With no resolution in sight, on August 27 Professor Colling initiated a formal grievance against President Bowling under procedures set forth in the ONU faculty handbook, writing to the interim vice president for academic affairs, Dr. Jim Knight, and charging that the president, in issuing his directives of May 7, violated the academic freedom provisions of the university's own policies that the president had a "contractual obligation" to uphold. In order to resolve the grievance, Professor Colling asked in part that President Bowling reverse "his directives immediately and [communicate] this information in written form to the entire board of trustees, faculty, Nazarene University presidents, and general superintendents of the Church of the Nazarene" and make "a public acknowledgement that theistic evolution Christians must be accepted as full-fledged citizens at Olivet in accordance with the Nazarene Manual statements." When Dr. Knight notified Professor Colling on September 10 that he could not determine whether President Bowling had "violated the Faculty Handbook or engaged in any misconduct," Professor Colling wrote to the vice president again on September 24 to request a hearing before a faculty grievance committee, as provided under the grievance policy in the faculty handbook.

During the initial stages of these grievance proceedings, an article entitled "Can God Love Darwin Too?" appeared in the September 15, 2007, issue of *Newsweek*. Written by Sharon Begley, the same reporter who had published the *Wall Street Journal* column of December 2004, this article contained a sympathetic account of Professor Colling's recent difficulties at Olivet Nazarene.

Ms. Begley recounted how “anger over his work” had resulted in the president’s issuing the directives against him. President Bowling, whom she interviewed for the article, was quoted as saying, “In the last few months [objections to Professor Colling] took on a new life and became a distraction, and things were deteriorating in terms of confidence in the university.” Asked why he had issued the directives, President Bowling responded, “To get the bull’s-eye off Colling and let the storm die down.”

The grievance committee conducted fact-finding meetings, including interviews with both the president and Professor Colling, in mid-October. Afterward, the grievance committee’s chair, Professor Mike Morgan, notified Professor Colling and President Bowling in an October 29 letter that the committee did “not believe that a formal hearing would be in the best interests of either party” and that it planned “to pursue a set of recommendations relevant to this case” that it hoped would “help bring this grievance to a mutually beneficial conclusion.” On November 12, the committee issued its report to the grievant and the president:

The committee submits the following finding related to this grievance:

- We acknowledge that, while not the usual tradition and practice, the faculty handbook and bylaws indicate the authority of the President to make teaching assignments and course content decisions.

The committee submits the following recommendations to encourage a possible path forward:

- We recommend that Dr. Colling be allowed to teach general biology (BIOL 201 General Biological Science).
- We recommend the decision on the use of the book, *Random Designer*, be revisited pending the initiation by the university of an open formal discussion of the provocative theological implications of the book.

On November 14, committee chair Morgan forwarded the report to Dr. Knight.

The president and Professor Colling each greeted the committee’s report as a validation of his own position. In a November 15 letter to Dr. Knight, the president stated, “I am pleased with the vindication of my action by the committee’s report.” He listed a number of allegations made by Professor Colling in his formal grievance that the committee did not address, then interpreted the committee’s silence as a rejection of these charges against him. President Bowling characterized the report’s recommendations aimed at encouraging “a possible path forward” as “an affirmation of my original state-

ments in my May 7, 2007, letter to Dr. Colling where I stated, ‘I would be open to revisiting this action in the future.’” In his own letter to Dr. Knight of November 19, Professor Colling also praised the committee’s report, but in contrast to President Bowling’s interpretation of its findings, Colling stated, “I am pleased that the two actionable recommendations identified by the committee as a path for resolution of the matter are in agreement with the proposed resolution I articulated in the original grievance—that the two directives be immediately reversed.”

In a December 7 letter to President Bowling, Professor Morgan noted that he had seen both the Bowling and the Colling letters to Dr. Knight and that he “was surprised to learn that you both interpreted [the committee’s finding and recommendations] to agree with your position on this grievance.” Professor Morgan continued, “Your statements indicate to me that you misunderstood the intention of our finding and the accompanying recommendations.” He went on to clarify the committee’s position:

First, although the committee finds that you, as university president, have been delegated the authority by the Board of Trustees to make teaching assignments and course content decisions, this does not mean that we vindicate your actions.

Second, the committee purposefully avoids addressing the “full range of issues brought forth by Dr. Colling” (John Bowling to Jim Knight, November 15, 2007). However, avoiding these issues does not imply that the committee dismisses Rick’s claims as false or views the grievance as unfounded.

Professor Morgan then reiterated the intent of the committee’s recommendations, which was to

1. Request that Rick be assigned to teach BIOL 201 as soon as practically possible.
2. Request that the use of *Random Designer* be revisited as the university initiates an open review and discussion of the book to identify the problematic theological issues presented by theistic evolution. This recommendation [is] intended to prompt immediate action on this point. By open formal discussion, we meant a scholarly forum open to anyone on campus, any of our constituency, and anyone outside the Olivet community.

Dr. Knight wrote to Professor Colling and President Bowling on December 14 “in an attempt to move toward resolution of the grievance filed earlier this semester.” After reviewing the grievance committee’s

recommendations, he asked, “As we are nearly ready to begin a new semester, are you willing to meet together to try to resolve the issues that have challenged our community?” A January 25, 2008, meeting among President Bowling, Professor Colling, Professor Johnson, Dean Chenoweth, and the director of business services, David Pickering, convened at the suggestion of the president, failed to resolve the issues. As of this writing, the president’s May 7, 2007, directives remain in effect.

II. The Association’s Involvement

Professor Colling contacted the Association for advice in May 2007, following the issuance of President Bowling’s directives against him. Professor Colling had previously consulted with the Association’s staff in summer 2006, when he first feared that members of the board of trustees were taking steps to dismiss him. Following the receipt of pertinent documents, the staff wrote to President Bowling on June 7, 2007, focusing on the issues of academic freedom raised by the action taken against Professor Colling. The letter cited the ONU faculty handbook’s commendation of the academic freedom principles set forth in the 1940 *Statement of Principles on Academic Freedom and Tenure* as well as the handbook’s affirmation of the president’s and board’s obligation “actively to defend the faculty against influences from outside the institution,” and it urged the president to withdraw his directives removing Professor Colling from his responsibilities for the course in general biology and to allow him to teach the course as he himself deemed professionally appropriate.

In his June 20 reply to the staff, President Bowling explained that “the Nazarenes attempt to harmonize evolution theories with the community’s religious convictions, and this process can result in significant theological discussions.” Referring to Professor Colling’s book, the president stated that “*Random Designer*, which attempted to reconcile evolution theories with Christian beliefs about creation,” had “generated considerable controversy within the Church of the Nazarene and on campus at Olivet.” In support of his actions, the president stated, “I have become concerned that the controversy will undermine the students’ ability to learn and thus detract from the university’s ability to fulfill its religious and educational missions.”

The staff wrote again to President Bowling on July 12, noting that Professor Colling’s activities appeared to be in accord with Nazarene expectations and stating that it knew of no evidence that student learning was ever at risk. “We are left with the inference,” the letter stated,

“that your actions against Professor Colling have little to do with the content of his teaching or the substance of his written work but rather are a response to outside critics who themselves have created a controversy.” The letter next took issue with the president’s assertion of an institutional right under academic freedom in defense of his actions:

We agree that a faculty member does not have a right to teach any specific course, but in our experience teaching assignments even at religious institutions are typically and desirably made at the department level, not in the president’s office. According to the information we have, Professor Colling’s department chair and his colleagues agree that he is best qualified to teach the course in general biology. Furthermore, we are troubled by your assertion of a right to determine the content of teaching materials for use in a course. The university’s faculty handbook quotes approvingly the 1940 *Statement of Principles on Academic Freedom and Tenure* that “[l]imitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.” Limitations imposed on Professor Colling’s right to select materials for his courses were imposed, so we understand, only recently, and specifically concern the use of his *Random Designer*, which the administration had a year earlier approved for use as an extra-credit assignment.

The letter reiterated the staff’s view that the president’s actions were inconsistent with the 1940 *Statement of Principles* and the relevant provisions of the ONU faculty handbook and again urged that he rescind his May 7 directives.

In a July 20 letter, President Bowling continued to defend his actions, citing his “responsibility as President not only to protect the interests of faculty members but also to protect the academic interests, spiritual health, and constituent relations of the campus community and of the Church of the Nazarene in general.” With no resolution of the Association’s concerns in prospect, the staff notified President Bowling by letter of September 25 of the general secretary’s decision to authorize an investigation into the issues posed by Professor Colling’s case. The letter acknowledged Professor Colling’s initiation of a formal grievance process at ONU concerning the actions against him, and it conveyed the staff’s intention to postpone the appointment of an investigating committee until the grievance process had run its course. A November 20 letter from the president indicated

no change in his position. A December 4 letter from the staff advised him that an investigating committee was being formed, a follow-up letter provided the names of the members of the committee, and a January 17, 2008, letter proposed February 26 and 27 as the dates for the investigating committee's visit to the campus. A January 17 letter from the president conveyed his decision not to meet with the committee and advised the staff to correspond in the future with the university's attorneys. Efforts to arrange investigating committee interviews with the university's board chair and vice chair were unsuccessful.

The undersigned investigating committee made its visit to Bourbonnais on March 11 and 12, 2008, after a blizzard forced a postponement from the previously scheduled dates. Before the committee's arrival, the committee chair contacted President Bowling by e-mail, urging him to reconsider his decision not to participate. In a response of March 10, he wrote, "[I]t seems clear that AAUP has already come to a conclusion. . . . Given that posture, it does not seem productive to continue any discussions with AAUP and I certainly regret this for there is . . . a different perspective on these events than the one being widely circulated." Since the president had declined to cooperate with the investigation, the committee conducted its interviews off campus. During its two-day visit, the committee met with twelve people, including, in addition to Professor Colling, the entire biology department, a professor of religion, several members of the grievance committee, and an administrative officer. Despite President Bowling's refusal to participate in its inquiry, the investigating committee is confident that these interviews as well as its examination of the extensive documentation of Professor Colling's case have provided an adequate range of evidence and opinion upon which to base its conclusions. Moreover, it should be noted that the ONU administration has not contested the main facts of the case.

III. The Issues

Issues involved in the case include academic freedom and due process.

A. REMOVAL FROM A COURSE: PROCEDURAL ISSUES

President Bowling's directives of May 7, 2007, denied Professor Colling the opportunity to continue teaching Biology 201, despite the subsequent objections to the president's action from Professor Colling's department chair and colleagues and the findings of the faculty grievance committee. Professor Colling had been introducing nonmajors to the theory of evolution, both in

Biology 201 and the general science course that preceded it, for at least sixteen years. The president, however, repeatedly asserted that his action, to quote his May 7 letter, was "not intended to constitute discipline against Dr. Colling."

According to Regulation 7 of the Association's *Recommended Institutional Regulations on Academic Freedom and Tenure*, which sets forth "Procedures for Imposition of Sanctions Other Than Dismissal,"

if the administration believes that the conduct of a faculty member, although not constituting adequate cause for dismissal, is sufficiently grave to justify imposition of a severe sanction, such as suspension from service for a stated period, the administration may institute a proceeding to impose such a severe sanction; the procedures outlined in Regulation 5 will govern such a proceeding.

Regulation 5 requires, among other things, an adjudicative hearing of record in which the administration bears the burden of demonstrating adequacy of cause for its proposed action before an elected faculty committee.

Although Professor Colling was not suspended from all of his teaching duties, the investigating committee believes that it would be difficult to argue that being barred from teaching a lower-division course that one had taught with apparent success for sixteen years does not constitute a severe disciplinary sanction. Indeed, there are precedents in the annals of the AAUP for viewing suspension from a single course as a severe sanction. In the 1987 case of Professor Natthu S. Parate at Tennessee State University, the AAUP investigating committee found that the administration had acted in violation of AAUP-recommended standards when it suspended him from one course without having demonstrated "adequate cause" for imposing the sanction in a hearing before a faculty hearing committee.⁷ Better known is the 1989 case of Professor Charles E. Curran at the Catholic University of America in Washington, D.C. By directive of the Holy See, Father Curran was banned from teaching Catholic theology, his area of academic competence, both in the Department of Theology and in nonecclesiastical departments of the university. The investigating committee concluded that the administration had "for all practical purposes deprived him of his tenure without due process and without adequate cause."⁸

7. "Academic Freedom and Tenure: Tennessee State University," *Academe* 73 (May–June 1987): 39–44.

8. "Academic Freedom and Tenure: Catholic University of America," *Academe* 75 (September–October 1989): 27–40.

This investigating committee considered President Bowling's repeated assertion that, in suspending Professor Colling from his responsibilities for teaching Biology 201, he did not *intend* to discipline or sanction Professor Colling. Without questioning President Bowling's account of his own motives, the investigating committee does not accept the implication that intention and effect are one and the same. However benign President Bowling's intentions toward Professor Colling may have been, Professor Colling was barred from teaching a course that he had taught successfully for years and for which he was ideally qualified, as his departmental colleagues attested. Furthermore, those whom President Bowling had not acquainted with his intentions—a rather large group, which appears to exclude only Professor Colling, a handful of ONU faculty members, AAUP staff, and this investigating committee—would unfortunately have every reason to assume that the president had imposed the suspension because of serious deficiencies in the biology professor's teaching performance, with potentially damaging consequences for Professor Colling's professional reputation. Finally, there can be little doubt that the president did intend that the primary audience for his directives—Professor Colling's fundamentalist critics whom he was hoping to placate by issuance of the directives—would view the suspension as just the sort of serious “disciplinary action” that Caro church, for example, had demanded.

The investigating committee finds, therefore, that President Bowling imposed a severe sanction upon Professor Colling when he suspended him from teaching Biology 201 without having afforded him a hearing before faculty peers, in which the administration would carry the burden of demonstrating that Professor Colling's professional conduct warranted such a sanction, as required under AAUP's Regulation 7a.⁹

B. REMOVAL FROM A COURSE AND PROHIBITION OF A TEXT: SUBSTANTIVE ISSUES

In explaining his actions against Professor Colling, President Bowling did not call into question Professor

9. Vice President Chenoweth, in his response, wrote that Professor Colling

was never precluded from teaching the subject matter covered in the General Biology course. He was never precluded from teaching the general subject of Theistic Evolution. He was never precluded from teaching the subject matter discussed in his book “Random Designer.” Taken together, this can not constitute a “severe sanction” even if the University had incorporated the AAUP recommendation regarding sanctions.

Colling's competence as a biology professor or his faith as a member of the Church of the Nazarene. The summer before he issued his May 2007 directives, President Bowling wrote to university board members to support Professor Colling against criticism, stating his own “confidence in Dr. Colling's Christian character and his sincere desire to teach ONU students with personal and professional integrity.” As stated in the previous section of this report, he also asserted repeatedly that the directives aimed at Professor Colling did not constitute disciplinary action against him, nor did he claim that they were issued in response to deficiencies in the content of *Random Designer* or of Professor Colling's teaching in general biology. In fact, he had consistently stated the opposite. In his June 1 letter to Professor Colling, he wrote, “It [the issuance of the directives] does not arise from a determination that your teaching, writing, or comments are ‘deficient’ in specific respects.” In his June 20 letter to Professor Colling, he wrote, “Please remember . . . my decision is not intended as . . . criticism of your effectiveness as a teacher.” In his August 3 letter, he wrote, “I have not been, nor do I ever intend to be, critical of you.” That his directives had nothing to do with the content of Professor Colling's book was even more tellingly revealed when the president assured the biology department on May 30, 2007, that instructors could substitute another book whose content was identical to that of *Random Designer*. At that same meeting, he indicated that he was well aware that the content of general biology would not change because of Professor Colling's removal as an instructor.

In view of these statements, the investigating committee can only conclude that President Bowling's sole reason for issuing the May 7, 2007, directives against Professor Colling was, in his own words, “to reduce the current of controversy surrounding these issues to a manageable level.” As the narrative in the previous section of this report indicates, it was the publication of *Random Designer* in 2004 and the resulting media attention it generated that first alerted antievolutionist members of ONU's denominational constituency that evolutionary science was being taught at Olivet Nazarene University and being taught by a staunch opponent of creationism and intelligent design. In the mistaken assumption, apparently, that Professor Colling was the only ONU science professor who taught evolutionary theory in his classes, concerned church members approached the university administration and their church leaders, including the district superintendents, demanding that something be done about Professor Colling. Dr. Lee and Dr. Anthony, the chair and vice chair

of the board of trustees, were prominent among those troubled about Professor Colling and the teaching of evolution at ONU. As complaints continued to increase in winter and spring 2007, the threat of the Caro Church of the Nazarene to withdraw financial support seems to have been the last straw. Before meeting with the board in May 2007, presumably to discuss the Caro church letter, President Bowling felt that he had only three choices regarding this growing controversy—“fight it, ignore it, [or] remove Colling” from general biology.

In short, despite President Bowling’s exertions, the complaints and the criticism failed to go away. In issuing directives to placate fundamentalist critics among the university’s constituency, President Bowling indicated his belief that he was acting in the best interests of the institution and its sponsoring church. As he wrote to the AAUP staff in his letter of July 20, 2008,

Neither the AAUP nor Dr. Colling bear professional responsibility to all concerned in the same way as I. It is my responsibility as President not only to protect the interests of faculty members but also to protect the academic interests, spiritual health, and constituent relations of the campus community and of the Church of the Nazarene in general. Please be assured that in this instance, I was attempting to acknowledge and harmonize all of those interests.

From his various statements on the issue, it is clear that President Bowling viewed this growing controversy as harming the university’s fundraising efforts, tarnishing ONU’s image among its most conservative congregations, diminishing its ability to recruit students, potentially affecting “students’ ability to learn,” and raising questions about the effectiveness of his leadership. He has also stated his conviction that if he had not taken decisive action, the board would have moved against Professor Colling, with further deleterious consequences.

The investigating committee finds that President Bowling, when he suspended Professor Colling from his teaching responsibilities for general biology and prohibited the use of *Random Designer* for the purpose of appeasing off-campus critics, regardless of any good intentions, violated the professor’s academic freedom in the classroom as set forth in the 1940 *Statement of Principles on Academic Freedom and Tenure*. Furthermore, in issuing his directives against Professor Colling, President Bowling disregarded Olivet Nazarene University’s own policies, which state, in section 3 of the faculty handbook, “An individual who is asked to join the faculty of Olivet Nazarene University should be a student of truth and be committed to the ministry of teaching through Christian higher education. Freedom to pursue

the truth in a field of study in which the faculty member has invested a significant portion of his or her career and to teach students these findings and conclusions is primary to the mission of the University.” Although “the University disclaims any necessary adherence” to AAUP policies, the handbook goes on to note that the 1940 *Statement* “describes well the ten[e]ts of academic freedom important to and embraced by Olivet Nazarene University.” The handbook quotes an explanatory passage attributed to the Higher Learning Commission of the North Central Association of Colleges and Schools asserting that institutional authorities are responsible not only for protecting freedom of teaching but also for defending faculty members from external interference:

Within the limitations imposed by the acknowledged purposes of an institution, it is the obligation of a university president and of a board of control to guarantee that liberty of teaching shall not be abridged in an institution under their direction. They are bound not only to avoid and restrain official action that would infringe upon desirable freedom, but they are obligated actively to defend the faculty against influences from outside the institution.

President Bowling made the decision not to allow Professor Colling to teach Biology 201 and to ban *Random Designer* from the curriculum for the express purpose of appeasing off-campus critics, including key members of the board of trustees, evidently hoping that these critics would believe that he had done something to suppress the teaching of evolution at Olivet Nazarene when in fact he had not. The investigating committee finds, however, that in doing so he disregarded the faculty’s primacy in matters of curriculum, abrogated his responsibility to defend faculty freedoms from “outside influences,” and, most importantly, weakened academic freedom at Olivet Nazarene University.¹⁰

10. Vice President Chenoweth responds: “Dr. Colling remains free to teach, speak, and believe as he always did.”

The investigating committee’s report, he wrote, acknowledges that no other Biology faculty members have been removed from teaching or censored for these beliefs; that the General Biology course is still being taught without change; and that Dr. Colling himself is still teaching a full load at the University in upper-level courses. No faculty member has been limited in the three components of academic freedom described by the AAUP’s 1940 *Statement*: freedom of research, freedom in the classroom, or freedom to speak as citizens outside the classroom.

C. "INSTITUTIONAL" ACADEMIC FREEDOM AND THE "LIMITATIONS" CLAUSE OF THE 1940 STATEMENT OF PRINCIPLES

In two June 20, 2007, letters—one to the AAUP's staff and the other to Professor Colling—President Bowling asserted that his action against Professor Colling was permissible because of an institutional "academic freedom right" that was especially the prerogative of religiously affiliated institutions. In his letter to the staff (responding to the AAUP's first letter inquiring about Professor Colling's case), President Bowling noted that Professor Colling's book had "generated considerable controversy" and that he eventually became convinced that he could alleviate the situation only by taking action against Professor Colling. The president stated that he was "concerned that the controversy [would] undermine the students' ability to learn and thus detract from the university's ability to fulfill its religious and educational missions." Consequently, he went on to state,

I decided to exercise the university's own academic freedom right to determine who will teach a particular course and which materials will be used in teaching a subject matter. [This is], as you know, among the freedoms reserved to any university, and they are particularly the province of a religious institution seeking to address a dispute intimately related to the institution's religious principles.

In a letter to Professor Colling dated the same day, he asserted the identical position:

I also respectfully disagree with your suggestion that this decision infringes upon your academic freedom. While you, like all Olivet faculty members, enjoy a significant measure of academic freedom, which is right and good, that right of individual freedom is subject to the university's own right to determine who teaches classes and which teaching materials are used in university classes. The interests of the university are particularly compelling where, as here, the subjects being taught are profoundly related to the religious principles governing the institution.

The argument by President Bowling appears to have been based on two premises that are not uniquely his. The first is that "institutional academic freedom," the freedom of the academic institution from outside control over its academic endeavors, takes precedence over the academic freedom of individual faculty members. The second is that religiously affiliated universities possess more latitude in the realm of institutional academic freedom than do other universities.

In response to the first premise, the investigating committee is obliged to point out that academic freedom, as

defined in the 1940 *Statement of Principles*, addresses a faculty member's right, and nowhere in this or in derivative AAUP-supported documents is it suggested that institutional academic freedom takes precedence over the faculty right. Moreover, the notion that presidents of academic institutions possess a right to choose instructors and determine course content, a right that President Bowling suggests takes precedence over the faculty's prerogative to do so, contradicts a basic principle of shared governance as articulated in the 1966 *Statement on Government of Colleges and Universities*—namely, that "the faculty has primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction" as well as "faculty status and related matters," including "appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal." Administrators, furthermore, should not overrule faculty decisions in these matters "except in rare instances and for compelling reasons which should be stated in detail."

President Bowling's second premise—that religiously affiliated institutions have more latitude regarding academic freedom than other institutions—appears at first glance to invoke the so-called "limitations" clause of the 1940 *Statement*. That document does recognize that church-related institutions might impose limits on the academic freedom of their faculty members by providing that "[l]imitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of [a faculty member's] appointment." In its most recent report on the subject, *The "Limitations" Clause in the 1940 Statement of Principles on Academic Freedom and Tenure: Some Operating Guidelines* (1999), the Association's Committee A on Academic Freedom and Tenure issued this caveat: an institution wishing to invoke the limitations clause "must not represent itself, without qualification, as an institution freely engaged in higher education: the institution must in particular disclose its restrictions on academic freedom to prospective members of the faculty."

In determining, therefore, whether President Bowling could properly claim that his circumscription of Professor Colling's academic freedom as a teacher was allowable under the "limitations" clause of the 1940 *Statement*, this investigating committee must ascertain whether Olivet Nazarene University represents itself as "an institution freely engaged in higher education." So far as the committee can ascertain, Olivet Nazarene University, despite its strong religious identity, does indeed so represent itself. Its mission statement, found on the first page of the college catalog, makes the following claims:

Olivet Nazarene University, a denominational university in the Wesleyan tradition, exists to provide a university-level liberal arts “Education With a Christian Purpose.” Our mission is to provide high-quality academic instruction for the purpose of personal development, career and professional readiness, and the preparation of individuals for lives of service to God and humanity.

We seek the strongest scholarship and the deepest piety, knowing that they are thoroughly compatible (and) . . . a Christian environment . . . where not only knowledge but character is sought.

The Olivet Nazarene faculty handbook describes the ideal ONU faculty member as “a student of truth . . . committed to the ministry of teaching through Christian higher education. Freedom to pursue the truth in a field of study in which the faculty member has invested a significant portion of his or her career and to teach students these findings and conclusions is primary to the mission of the University.” As noted previously, the handbook also cites approvingly the 1940 *Statement* as describing “well the ten[e]ts of academic freedom important to and embraced by Olivet Nazarene University.”

It should be acknowledged that by signing a faculty contract with Olivet Nazarene, a faculty member agrees with its terms “[t]o be in accord with the mission, values, and priorities of the University, and to support the Articles of Faith and lifestyle standards of the Church of the Nazarene as outlined in the *Manual*.” Professor Colling, however, has stated that he has freely signed this standard contract year after year, in full agreement with its terms, and President Bowling has himself repeatedly confirmed Professor Colling’s orthodoxy. There is no evidence, moreover, that the doctrinal requirement has been interpreted strictly; faculty members are required merely to “support”—not “believe” or “assent to the truth of”—the articles of faith.¹¹ More important, nothing in the contract or in any other offi-

cial documents of which the investigating committee is aware prescribes any specific limitations on academic freedom in teaching or research. Finally, as noted earlier, President Bowling first referred to a religious exception almost seven weeks after he issued his directives, thus disregarding the limitations clause itself, which stipulates that any religious limitations be “clearly stated in writing at the time of appointment.”

D. OBSERVATIONS UPON THE CONDITIONS FOR SHARED GOVERNANCE

Shortcomings in shared governance played no small role in Professor Colling’s case, which in fact notably exemplifies the concluding assertion of the AAUP’s statement *On the Relationship of Faculty Governance to Academic Freedom*:

[S]ound governance practice and the exercise of academic freedom are . . . inextricably linked.

While no governance system can serve to guarantee that academic freedom will always prevail, an inadequate governance system—one in which the faculty is not accorded primacy in academic matters—compromises the conditions in which academic freedom is likely to thrive.

As this report has shown, President Bowling, in removing Professor Colling from the course in general biology and prohibiting the curricular use of *Random Designer*, violated principles not only of academic freedom but also of shared governance, in particular the standards that accord to faculty “primacy in academic matters.” According to the *Statement on Government*, the faculty exercises “primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process.” At most colleges and universities, this principle is interpreted to mean that decisions about who will teach and what will be taught “are typically and desirably made at the department level, not in the

11. Vice President Chenoweth has characterized this statement as “a significant interpretive error”:

Faculty are required to “believe” Christian orthodoxy as a condition of hire and continuing employment. The faculty search processes prior to hire and the annual reports during employment mandate demonstrations of “belief.” This is primarily evaluated at the department level. If a faculty member cannot clearly demonstrate belief in Christian orthodoxy, the University’s membership with the Council of Christian Colleges and Universities might be jeopardized since they require the hiring of Christian faculty.

Faculty are also required in the annual contract to be “in accord with the mission, values and priorities of the University and to support the Articles of Faith and lifestyle standards of the Church of the Nazarene as outlined in the *Manual*.” Faculty not only support the Articles of Faith, but must remain in accord with the mission and priority—a denominational university in the Wesleyan tradition.

The Wesleyan perspective is not critical in all faculty projects. In other cases, it is.

president's office" (as the AAUP staff asserted in its July 12, 2007, letter to President Bowling).

This report has also shown that President Bowling failed to adopt the recommendations of the faculty grievance committee regarding Professor Colling's case, without providing the committee with the reasons for his refusal. While the *Statement on Government* recognizes that executive authority is delegated to presidents, it also provides that they will "concur with the faculty judgment except in rare instances and for compelling reasons which should be stated in detail."

President Bowling, however, may not be completely at fault: if he had looked to university policies for guidance before deciding to issue his directives, he would have found nothing there to help him. An examination of the ONU faculty handbook quickly reveals deficiencies in the area of faculty governance as well as in the areas of tenure and academic due process. While the investigating committee cannot endorse the ONU grievance committee's finding that "the faculty handbook and bylaws indicate the authority of the President to make teaching assignments and course content decisions," neither can it find any provisions in the handbook that contradict it. In fact, the Olivet Nazarene faculty handbook contains virtually no language that reflects the widely accepted understanding of the faculty's primary role in academic decision making as articulated in the *Statement on Government*.

Although few of the faculty members interviewed by this committee mentioned deficiencies in the handbook, many of them did characterize shared governance at ONU as either severely deficient or entirely absent. One faculty member stated that "all the committees are run by administrators." Several mentioned that both the abolition of tenure and the new general education plan had been "imposed from above." While faculty members acknowledged that President Bowling tends to consult widely, they described the administration's characteristic leadership style, especially under the former vice president for academic affairs, as "top-down." Several faculty members blamed a paternalistic culture for the lack of a significant faculty role in institutional decision making. The ONU grievance committee's final report on the Colling case included these recommendations: "We recommend that the administration update the university grievance policy and procedures within the Faculty Handbook to handle grievances. . . . We recommend that the administration update the university academic freedom policy within the Faculty Handbook."

Although the investigating committee endorses the proposed revisions to the faculty handbook, it was surprised

that the grievance committee so readily assumed that administrative officers would be responsible for making them. At colleges and universities in which governance more closely reflects the ideals articulated in the 1966 *Statement*, it is likely that a faculty body would have taken the initiative for amending these sections of their handbook.

IV. Conclusions

1. In suspending Professor Richard Colling from teaching general biology for nonmajors, which he had taught routinely for sixteen years, the administration of Olivet Nazarene University imposed a severe sanction on him without having demonstrated cause in an adjudicative faculty hearing of record, as called for in Regulation 7a of the Association's *Recommended Institutional Regulations on Academic Freedom and Tenure*.
2. The administration of Olivet Nazarene University issued its directives suspending Professor Colling from his responsibility for teaching general biology and prohibiting the curricular use of his book on evolution and religion for the purpose of appeasing off-campus critics, and it insisted on sustaining these directives over the objections of Professor Colling, his department, and the faculty grievance committee. The directives violated Professor Colling's academic freedom as a faculty member, contravening fundamental provisions on academic freedom enunciated in the 1940 *Statement of Principles on Academic Freedom and Tenure*.
3. The administration of Olivet Nazarene University curtailed the academic freedom of Professor Colling in order to dampen controversy that had arisen among antievolutionist elements of the university's church constituency. In thus acting, the administration placed a higher value on what the president called "constituent relations" than on the principles of academic freedom to which the university itself claims to subscribe. ☞

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Investigating Committee

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

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