

# ACADEMIC FREEDOM AND TENURE: STILLMAN COLLEGE (ALABAMA)<sup>1</sup>

## I. Introduction

This report concerns the suspension and subsequent dismissal of Assistant Professor Ekow O. Hayford, effective April 11, 2008, by the administration of Stillman College on grounds that he had violated the section of the faculty handbook titled “Malicious Gossip or Public Verbal Abuse.”

Stillman College is named for the Reverend Doctor Charles Allen Stillman, who, along with several other Presbyterians from Tuscaloosa, Alabama, appeared before the General Assembly of the Presbyterian Church in the United States in 1874 to request that the church establish a training school in the South for black male ministers. The institution was authorized by the general assembly a year later for location in Tuscaloosa, held its first classes in 1876, and was chartered by the state of Alabama in 1895.

The first half of the twentieth century at Stillman witnessed the admission of female students, the acquisition of Stillman’s current Tuscaloosa campus, and the start of secondary education and then a junior college. The college gradually shifted toward Christian-inspired general education rather than training for the ministry, toward the acquisition of teaching certificates, and toward preparation for other occupations as employment opportunities for African Americans gradually increased. Expanded into a four-year college, Stillman conferred its first baccalaureate degrees in 1951 and was accredited by the Southern Association of Colleges and Schools in 1953.

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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 Stillman College, 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 college, which over the decades has had a student body more than 95 percent African American, appointed its first African American president, Dr. Harold N. Stinson, only in 1967. He held the office until 1980, during a time when the college experienced severe financial problems and nearly closed. His successor, Dr. Cordell Wynn, presided until his retirement in 1997 during more fortunate years. Student enrollment nearly doubled, growing to more than a thousand. The endowment, \$2 million in 1981, grew to \$20 million.

Stillman College’s current president, Dr. Ernest McNealey, took office in 1997 after having served for six years as an associate provost at Stony Brook University, a part of the State University of New York. A graduate of Alabama State University, he holds a master’s degree from Indiana University and a doctorate from Ohio State University. During his early years at Stillman, student enrollment continued to rise, reaching a peak of more than 1,100 in 2004 and 2005. Enrollment then plummeted, however, dropping to 800 by 2006. For 2007–08 the enrollment figure was reported by one source to be as high as 915 and by another to be as low as 803. The decline in enrollment was accompanied by a weaker financial footing, although current figures show a reduction in the college’s debt.

## II. The Case of Professor Hayford

Ekow Olu Hayford began his formal education with the coursework for a diploma from the West African People’s Institute in his native Nigeria. His undergraduate years were spent in Pennsylvania, first at the Community College of Beaver County and then at Slippery Rock University. After obtaining a master’s degree in business at Jackson State University in Mississippi, he enrolled in a doctoral program at Mississippi State University but did not produce a dissertation. He began teaching in 1980 at Stillman College as an assistant professor of business and was granted tenure in 1987.

Lacking the doctorate, Professor Hayford remained an assistant professor for more than twenty-five years, but otherwise his teaching career at Stillman seems to have gone smoothly enough. Former colleagues have

described him as popular and well respected by his students. Tension between Professor Hayford and President McNealey, however, began to become evident in the 2006–07 academic year, when Professor Hayford publicly questioned the president about the failure of the administration to issue contracts to faculty even after the academic year had begun. Professor Hayford reports that his public questioning of the president led to his being summoned to the president's office for a private meeting. On April 30, 2007, Professor Hayford sent a letter to the president, with a copy to each member of the board of trustees, which began by asserting that the president, in an April 3 letter, had “unconstitutionally” forbidden him “from asking questions at our faculty meetings about matters of importance to the faculty not already on the agenda.” Professor Hayford's April 30 letter went on to blame President McNealey for declining student enrollment, a crisis in cash flow, low student as well as faculty and staff morale, “extreme student discontent” with the president, and “extreme community discontent.” The letter accused the president of blaming others for everything that had gone wrong when he should be blaming himself. It concluded by advising the president “to step aside and let somebody else take over.” Professor Hayford states that he received no reply that spring from the president or from any trustee.

Professor Hayford's sharp criticism of the McNealey administration became public knowledge after his participation in an October 2007 interview with a reporter for the *Tuscaloosa News* that led to a lengthy November 4 newspaper story on Stillman College and its financial situation. Professor Hayford states that he did not initiate contact with the reporter of the story but assumes that he was approached because of his reputation for outspokenness. President McNealey declined to be interviewed for the story, which featured critical comments by Professor Hayford, including concern about his own vulnerability for speaking out in the face of faculty handbook provisions threatening dismissal for engaging in “malicious gossip or public verbal abuse.”

According to Professor Hayford, the president spoke out about him and about the newspaper article at a meeting of the faculty held on November 8. At that meeting, Professor Hayford later wrote in a letter addressed to the Association's Committee A on Academic Freedom and Tenure, President McNealey “attacked me and the newspaper verbally, calling the *News* racist. He accused me of being a gullible person who has been used by the *Tuscaloosa News* to speak ill of him, and that I was a parasite who exceeded myself by seeking to destroy him (the president) who gave me the necessities

of life. In that meeting, when I raised my hand to speak, he refused to allow me to speak.”

Professor Hayford demanded that the faculty meeting minutes record his not having been permitted to speak to that body, and President McNealey apparently complied by inserting, in the “Dialogue with the President” section of the minutes of the December meeting, the following:

Mr. Hayford was not allowed to speak in this forum and was told to address any concerns to his chair or dean. As most of you know, this gentleman has engaged in malicious slander and as a result it is inappropriate to address him in this forum. Mr. Hayford has told wanton lies and has done so in a public forum. The president will not honor that kind of mindset; it is inappropriate in this forum and this institution.

In January 2008, Professor Hayford traveled to Spain to attend to a family matter, returning on January 14. Dr. Charlotte Carter, the vice president for academic affairs, in a letter to Professor Hayford dated January 29, stated that he was absent from January 2 to January 14, that he missed “the Spring Institute, student registration, and the first two days when classes began,” that under the Stillman policy manual “persons who fail to use the appropriate protocol for absences may be reported as absent without leave with an accompanying loss of pay,” and that accordingly “your January pay will be reduced appropriately for the number of days you were absent.” Professor Hayford received a paycheck issued on January 31 for \$1,190.34, a reduction of nearly \$800 from the \$1,987.66 in net pay he received for December. The reduction in gross salary was from \$2,916.67 in December to \$1,840.19 in January.

By letter of February 12 and a supplementary letter of February 20, Professor Hayford submitted a complaint to the body, called the “Faculty Committee,” charged with processing faculty grievances. He stated that he did tell his department chair and his dean that he would be away until January 14; that he missed only two days of registration (January 8 and 9) and the first two class days (January 10 and 11); that he questioned the fairness of any penalty in the matter; and that the penalty imposed, which he assumed was by instruction of President McNealey in retaliation for the November 4 *Tuscaloosa News* article, was grossly excessive. A March 3 response from the Faculty Committee chair, Professor Dabney Gray, conveyed the committee's findings. The committee supported Vice President Carter's charges by finding that the complainant did not “use the appropriate protocol for absences” and notification, that he “was absent without leave,” and that he was subject to “an

accompanying loss of pay.” The committee found further that the decision to reduce his salary “was neither vindictive nor capricious,” and that the formula for reduction “was in accord with standard procedure in the work place.” Therefore, the committee concluded, the facts “do not constitute grounds for a grievance and consequently do not warrant a grievance hearing.”

Professor Hayford promptly informed the *Tuscaloosa News* of the salary reduction and his grievance, and he also provided information about the president’s having banned him from speaking at faculty meetings. The result was a March 10 story, headlined “Stillman Professor Claims Injustice,” which recounted Professor Hayford’s version of the two episodes. The story also reported, with respect to the salary reduction, that Professor Hayford had posted Vice President Carter’s announcement of it on his office door, generating a student petition demanding that he not be fired. The petition had been signed by sixty-eight business majors by the time the story appeared.

The March 10 story reported Professor Hayford as saying that he was being mistreated although his position was protected because he had tenure. He seems to have spoken prematurely with respect to tenure’s protecting his job. On March 13, Vice President Carter wrote to inform him that he was suspended with pay and barred from campus pending an investigation of reported violations of the 2005 faculty handbook’s section 3.9.3. She said that she would contact him to schedule his interview relating to the process. Section 3.9.3 of the 2005 faculty handbook is here stated in its entirety:

*Malicious Gossip or Public Verbal Abuse*

Malicious gossip is rumor or innuendo based on incomplete facts or downright fiction intended to cause harm or discredit individuals or the institution.

It may also be rumor based upon assumptions about what the future holds or what is going on currently. Gossip of this nature can have serious repercussion on the morale and productivity of the institution. Verbal abuse is the use of malicious or hostile language by a supervisor or colleague that is intended to harm or embarrass another individual. Individuals who repeatedly engage in these types of behaviors may be terminated for cause.<sup>2</sup>

2. Including “malicious gossip” as grounds for dismissal is, in the experience of the Association’s staff, unique in American higher education to Stillman College.

Before Professor Hayford heard further from Vice President Carter, a March 19 *Tuscaloosa News* story, “Outspoken Stillman Professor Suspended,” appeared. The story reported Professor Hayford as saying that his suspension was in retaliation for his criticisms that the newspaper had published, but it also reported a response from the college’s assistant vice president and director of marketing, Regina Walker, denying that the imposition of sanctions on Professor Hayford had anything to do with his having spoken out to the media or to the trustees.

Vice President Carter wrote to Professor Hayford again on March 28, stating that she would conduct his interview on the afternoon of April 3 and that he should let her know if he was willing to come to campus for that purpose (in which event she would notify campus security to allow him to enter through the main gate). Professor Hayford consulted with AAUP staff about the proposed interview. Because the only stated reasons for his suspension and banishment were the general admonitions in section 3.9.3, the staff recommended that he go to the interview but respectfully request the specific reasons for the actions against him before he entered into substantive discussion. Professor Hayford next talked with the staff on April 9, reporting that he had gone to the vice president’s office at the scheduled time on April 3 and saw that there was another person, whom he took to be a witness, in the room with her. He said that he, too, wanted a witness there, and Vice President Carter declined to permit it. He then said that he would have to tape the meeting, and she also refused to agree to the taping, whereupon he left.

The staff wrote to the administration on April 10 to express the Association’s concerns, but this letter apparently crossed with an April 11 letter from Vice President Carter notifying Professor Hayford that she had completed her investigation and determined that he had violated the handbook’s section 3.9.3 on several occasions. She stated that she had afforded him opportunity to respond to the reported violations but that he had “prematurely ended” their April 3 meeting when “I declined to allow taping of our discussion.” She informed him that his services at Stillman College were terminated “effective immediately,” that he would be paid on May 1 for the remainder of his 2007–08 appointment, and that he could contact her secretary to arrange for the delivery of any personal items that might remain on campus.

Vice President Carter’s April 11 notification was the subject of an April 17 article, “Stillman College Fires Outspoken Professor,” in the *Tuscaloosa News*. A

student Web site in support of Professor Hayford, created in June and operating through July, suggested that student interest in his case did not cease with his dismissal and the end of the spring semester.

In June, Professor Hayford began consulting with a Birmingham attorney, who wrote on July 28 to President McNealey. He called for presentation of the charges against his client and opportunity for a full hearing. He asked that the president respond within fourteen days. As of September 15, no response was received and litigation was contemplated.

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With respect to the AAUP's involvement, Professor Hayford initially telephoned the Association's Washington office on March 7, after the rejection of his complaint about salary reduction. He followed with a March 12 letter addressed to Committee A, enclosing relevant documents. A member of the Association's staff spoke with him on March 31 about the April 3 interview that Vice President Carter had scheduled. The staff's initial letter to President McNealey about the Hayford case, sent on April 10, conveyed the Association's concern with the suspension and banishment that had been imposed in the absence of any evident threat of immediate harm.

News of the April 11 action by Vice President Carter subjecting Professor Hayford to immediate dismissal led to an April 16 staff letter addressed to the president and vice president urging that the dismissal action be rescinded, that the alleged violations that were Vice President Carter's stated basis for the dismissal be identified, and that any future action in the Hayford case be consistent with the provisions of the joint 1940 *Statement of Principles on Academic Freedom and Tenure* and 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings*. With respect to Vice President Carter's attributing her action against Professor Hayford to multiple violations of the admonitions against "malicious gossip" or "public verbal abuse," the staff commented that some might view the "strong critical statements he has made about the current college administration" as constituting such violations but that others "might see them as desired 'whistle blowing' that merits protection under principles of academic freedom."

Not having heard back from Stillman's administrative officers, the staff wrote to them again on May 13, reiterating what its previous letter had urged. Another week without a reply led to the authorization of this investigation by the Association's general secretary, a development of which President McNealey was informed by letter of May 30. He responded by letter of June 6,

defending the policy against "malicious gossip" set forth in section 3.9.3, asserting that Professor Hayford more than once "knowingly chose to violate this policy," and characterizing the vice president's resulting action as an "appropriate response to Mr. Hayford's choices." With respect to the Association's role, President McNealey stated, "As an external entity, we respect your right to advise Mr. Hayford, but as a matter of policy, we will not accord you official standing in this matter." He concluded by challenging "the Association's pretext of objectivity," stating that "we are not prepared to host or be party to the investigation the Association proposes. . . . I would call your attention to the fact that academic freedom and tenure do not afford license to 'lie and spread malicious gossip.'"

The staff replied in a letter of June 9, stating that the Association would be mindful of his points as it proceeded and asking for further information (which he did not provide) on one matter. According to the faculty handbook, faculty appointments "may be terminated for adequate cause through adopted procedures" and the "termination procedures are adopted based on the nature of the specific charge." The staff stated that the Association "would appreciate being informed of the particular procedures that were adopted, and by whom they were adopted, in the Hayford case."

The undersigned investigating committee visited Tuscaloosa on September 16 and 17, 2008, to investigate the issues raised by the suspension and dismissal of Professor Hayford. Unfortunately, because the administration chose not to cooperate with the investigation, and because no current members of the faculty contacted by the Association's staff were willing to speak to the investigating committee, the committee was able to interview only Professor Hayford and two former faculty members who had recently left Stillman after lengthy careers there. Nevertheless, the committee believes that the available written documentation and the information gathered from the interviews that were conducted are a sufficient basis for the writing of this report.

### III. Issues

Summarized here are what appear to the investigating committee to be the central issues raised by the actions taken by the administration of Stillman College against Professor Hayford.

#### A. PROCEDURAL CONCERNS RELATING TO THE JANUARY 2008 ABSENCES AND THE RESULTING SALARY REDUCTION

Professor Hayford was away from campus in January until the third class day of the semester on January 14.

He and Vice President Carter disagree on whether he had complied with the college policy on being “absent without leave” that states the following:

All employees of the College are entitled to certain leaves that may take the form of holidays, vacation, and other sanctioned absences. The specific nature of such time away is dependent on employment status, i.e., faculty, staff, hourly, etc. In each instance, there are established protocols for notice or approval for time away from work. Persons who fail to use the appropriate protocol for absences may be reported as absent without leave with an accompanying loss of pay.

The investigating committee is not aware of published Stillman guidelines setting forth specific notification procedures or required paperwork in case of absences for personal reasons. Professor Hayford claims that he complied with what he understood to be the established practice in such cases when he orally notified both his department head and dean of his need to be away from campus. According to Professor Hayford, neither raised objections to his leaving town to attend to a family matter.

Vice President Carter stated that Professor Hayford was absent without leave from January 2 to 14, and she reduced his salary for the month by 40 percent. Professor Hayford stated that he actually missed only two days of registration and two class days; that, given his good attendance record for more than twenty-seven years on the Stillman faculty, imposing any penalty on him for his absence was unfair; and that the penalty imposed by the vice president was grossly excessive. He said that he assumed the stiff penalty was by instruction of President McNealey, in retaliation for his comments in the *Tuscaloosa News* story.

In the investigating committee’s view, the deprivation of nearly a half-month’s salary constituted a severe sanction. Accordingly, as called for under Regulation 7a of the Association’s *Recommended Institutional Regulations on Academic Freedom and Tenure*, the administration was required to demonstrate cause in an adjudicative proceeding before a faculty hearing body. In Professor Hayford’s case, the administration imposed the sanction, and the available procedure for contesting it was by appeal to the Faculty Committee, the faculty body for dealing with grievances. That committee, after considering the information on the matter that had been submitted to it, found that Professor Hayford had been absent without leave, that he was subject to “an accompanying loss of pay,” that the reduction in pay was “neither vindictive nor capricious,” and that the

amount reduced “was in accord with standard practice in the work place.” Concluding that grounds for a grievance were lacking, the Faculty Committee determined that a hearing was not warranted.

Although the chair of the Faculty Committee was invited to meet with the investigating committee to explain the basis for its findings, he declined the invitation. The investigating committee is unaware of written documentation to confirm or contradict Professor Hayford’s account of his advance notification to his immediate supervisors of his need to miss the beginning of the term, but his account would seem consistent with practices that are common for faculty in academe. Moreover, the apparent lack of any specific published guidelines for faculty to follow in order to obtain permission for an absence makes the college’s requirement of using the “appropriate protocol” in such cases too vague a standard on which to base a severe sanction. The investigating committee thus questions the Faculty Committee’s conclusion that grounds for grieving did not exist. It also questions the degree to which the Faculty Committee operated as a truly independent body, given the conditions that are noted in the section below dealing with the state of shared governance at Stillman College.

#### **B. PROCEDURAL CONCERNS RELATING TO THE SUSPENSION**

On March 13, Vice President Carter informed Professor Hayford that, pending an investigation of reported multiple violations by him of section 3.9.3, he was suspended with pay from all responsibilities and banished from the campus. He was immediately escorted off the premises by a security guard, and he had to pass through security to get to the vice president’s office on the one subsequent occasion when she scheduled a meeting with him. The joint 1958 *Statement on Procedural Standards* provides for suspension pending a hearing only if immediate harm to the professor or others is threatened by the professor’s continuance. The investigating committee has seen no evidence of danger of immediate harm to anyone posed by Professor Hayford’s continued presence on campus. Students on campus had begun to express concern about Professor Hayford’s treatment by the administration, but the circulation of a protest petition hardly represented a threat of immediate harm to anyone.

#### **C. PROCEDURAL CONCERNS RELATING TO THE DISMISSAL**

Vice President Carter had stated on March 13 that Professor Hayford would be interviewed as part of the investigation of his alleged wrongdoing, and she later

scheduled the interview for April 3. No specific instances of wrongdoing had been identified by the administration, which referred only to violation of the general admonitions in section 3.9.3. The vice president, who had someone present with her when the interview was to start, denied Professor Hayford's request to have his own witness present, and she also denied his alternative request that he be allowed to tape the meeting. Accordingly, Professor Hayford left her office without having been interviewed. By letter of April 11, Vice President Carter informed him that she had completed her investigation and determined that he had repeatedly violated section 3.9.3, that he had been afforded an opportunity to respond to the allegations of violation but had "prematurely ended" his meeting with her, that his services at the college therefore were terminated "effective immediately," and that he would be paid on May 1 for the remainder of his term of appointment. Despite argument from the Association's staff that cause for dismissal had not been demonstrated, the administration did nothing further with respect to Professor Hayford, and Vice President Carter's action was allowed to stand.

The 1940 *Statement of Principles* calls for the following safeguards of academic due process in cases involving dismissal for cause:

Termination for cause of a continuous appointment, or the dismissal for cause of a teacher previous to the expiration of a term appointment, should, if possible, be considered by both a faculty committee and the governing board of the institution. In all cases where the facts are in dispute, the accused teacher should be informed before the hearing in writing of the charges and should have the opportunity to be heard in his or her own defense by all bodies that pass judgment upon the case. The teacher should be permitted to be accompanied by an advisor of his or her own choosing who may act as counsel. There should be a full stenographic record of the hearing available to the parties concerned.

These due process requirements are elaborated in the 1958 *Statement on Procedural Standards* and in Regulations 5, 6, and 8 of the AAUP's derivative *Recommended Institutional Regulations*. Of special relevance are the requirements of (a) an adjudicative hearing of record before a committee of faculty peers, in which the burden is on the administration to demonstrate adequacy of cause by clear and convincing evidence in the record considered as a whole and to relate the charges directly and substantially to the fitness of

the faculty member to continue in his or her professional capacity, and (b) opportunity for the affected faculty member to have the assistance of counsel.

The 2007 Stillman College faculty handbook, section 3.9, "Termination for Cause," states,

The appointment of a tenured or nontenured faculty member may be terminated for adequate cause through adopted procedures. Grounds for dismissal of a tenured faculty member may include but are not limited to moral turpitude, incompetence, immorality, insubordination, or conviction of felonious acts. Dismissal will not be used to restrain faculty members in their exercise of academic freedom.

Opportunities to reply to charges will be given through established channels and the grievance procedures to prepare arguments in rebuttal to charges brought against the faculty member [*sic*].

The investigating committee is not aware of any published guidelines that spell out what procedures have been adopted by the college for terminating the appointment of a tenured faculty member. In any case, the investigation conducted by Vice President Carter did not conform to Association-supported policies. Professor Hayford was at no time informed in writing of the specific charges against him, other than a general reference to an assertion that he had violated the college's prohibition on "malicious gossip or public verbal abuse." He was not allowed to be accompanied by a witness to a meeting with the vice president concerning the charges against him, nor was he allowed to tape the proposed meeting. Perhaps most important, prior to dismissing Professor Hayford the administration did not afford him the opportunity to have its case for his dismissal put before a committee of faculty peers. In all these respects, the investigating committee finds that the administration denied Professor Hayford the protections called for in the 1940 *Statement of Principles* and the 1958 *Statement on Procedural Standards*.

#### D. CONSIDERATIONS OF ACADEMIC FREEDOM

The Association's 1994 statement *On the Relationship of Faculty Governance to Academic Freedom* provides that faculty members should be free to speak out "on matters having to do with their institution and its policies" and that they should be able "to express their professional opinions without fear of reprisal." Regulation 5a of the Association's *Recommended Institutional Regulations* further provides that "dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights of American citizens."

(The latter provision, as noted above, is also found in the Stillman regulations.) Two central questions in this case are whether the standard of “malicious gossip or public verbal abuse” as defined in the Stillman faculty handbook is consistent with the principles of academic freedom and whether Professor Hayford’s attacks on the McNealey administration fall within the ambit of academic freedom.

In the view of the investigating committee, the handbook’s definition of “malicious gossip” as “rumor or innuendo based on incomplete facts or downright fiction intended to cause harm or discredit individuals or the institution” or “rumor based on assumptions about what the future holds or what is going on currently” is so broad as to allow for infringement on the principles of academic freedom. Stillman faculty handbooks before 2005 did not include such a provision.

Even before he sent his letter to President McNealey and to the members of the college’s governing board calling on the president to resign, Professor Hayford had established a reputation for outspokenness. It is the belief of the investigating committee, however, that he was well within his rights as a faculty member to question the president publicly about the failure of the administration to issue contracts and later to criticize the president’s leadership and call for his resignation both in private correspondence to the board and subsequently in interviews with the press. The investigating committee finds that President McNealey violated Professor Hayford’s academic freedom by denying him the right to speak at the February 2008 faculty meeting. This denial is explained by the president in the official minutes of the meeting as follows: “As most of you know, this gentleman has engaged in malicious slander and as a result it is inappropriate to address him in this forum. Mr. Hayford has told wanton lies and has done so in a public forum.” Yet the president has never presented evidence to demonstrate knowing falsehood or irresponsible recklessness in Professor Hayford’s public charges, not then and not when he concurred in Professor Hayford’s suspension and subsequent dismissal, actions which the investigating committee also finds to be in violation of Professor Hayford’s academic freedom.

The two former faculty members with whom the investigating committee spoke praised Professor Hayford for his willingness to raise difficult questions in public settings and indicated that he was one of the very few faculty members at Stillman who was “brave” enough to do so. Although invitations to meet with the investigating committee were extended to a number of current faculty members, none was willing to speak to the com-

mittee. Even though the committee conducted its interviews off campus, it was apparent that faculty members were concerned about the possibility of some form of retaliation by the administration if it became known that they had met with the committee. The former faculty members the committee did interview confirmed this impression. They described a campus climate in which faculty were generally fearful of criticizing the president, so that “only the brave stood up and questioned anything.” The dismissal of Professor Hayford is likely to create an even poorer climate for academic freedom at Stillman College.

#### E. CONSIDERATIONS OF SHARED GOVERNANCE

During the course of its examination of the case of Professor Hayford, the investigating committee became aware of broader issues relating to the role of faculty in the governance of Stillman College. Before Dr. McNealey became president of Stillman in 1997, the faculty had played a role in governance through a “faculty organization” in which the faculty elected its own officers and was centrally involved in the development of policies as set forth in the faculty handbook. Immediately after he became president, Dr. McNealey, according to faculty members serving at that time, abolished the faculty organization and, with it, the right of the faculty to elect its own officers. He also began the practice of annually issuing a new faculty handbook, drafted by the administration largely without faculty input. Although the faculty continues to have the formal right to elect faculty representatives to college committees, it is the investigating committee’s impression that the poor climate for academic freedom at the college has greatly weakened shared governance. As noted in the Association’s 1994 statement *On the Relationship of Faculty Governance to Academic Freedom*, “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.” With respect to the Faculty Committee, which upheld the reduction in pay for Professor Hayford, the investigating committee has doubts about the ability of that committee, or any other faculty committee constituted under the existing oppressive conditions of governance, to act as an independent faculty body.<sup>3</sup>

3. Counsel for the Stillman College administration, commenting on a draft text of this report circulated before publication, alleged that the report’s conclusions are replete with “unsupported inferences, conclusions, and assumptions.” As to issues of academic freedom, he wrote, “freedom

#### IV. Conclusions

1. The Stillman College administration's dismissal of Professor Ekow O. Hayford on grounds of "malicious gossip or public verbal abuse" violated the academic freedom to which he was entitled under the 1940 *Statement of Principles on Academic Freedom and Tenure*.
2. The administration's action to suspend and subsequently dismiss Professor Hayford disregarded basic requisites of academic due process as set forth in the 1940 *Statement of Principles* and in the 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings*. In neither instance did the administration provide Professor Hayford with a specific list of charges, nor did he have an appropriate venue prior to dismissal in which to defend himself before a body of faculty peers.
3. The current policies and practices of the administration at Stillman College have created a climate that is inimical to the exercise of academic freedom and to principles of shared academic governance. ☹

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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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of speech does not allow Hayford to scream fire in a crowded theatre. The economic and enrollment challenges with which Stillman has dealt in attempting to continue its persistent and determined commitment to the education of its students are exacerbated by inflammatory, conclusory personal criticisms such as levied by Professor Hayford."