

ACADEMIC FREEDOM AND TENURE: UNIVERSITY OF NEW HAVEN¹

I. Introduction

The institution that is now the University of New Haven was founded in 1920 as New Haven YMCA Junior College, a branch of Northeastern University in Boston that was run by the New Haven YMCA. It survived, holding classes in downtown space rented from Yale University, for nearly forty years without really taking hold. By 1959, however, it was offering day as well as evening classes, the state of Connecticut had authorized it to offer bachelor of science degrees in engineering and business, and its name had been changed to New Haven College. A year later, with its downtown facilities increasingly overcrowded although the student body still numbered fewer than two hundred, the college purchased property at its current location, a hill in West Haven, moving into three vacant buildings that were once the New Haven County Orphanage.

The years ahead witnessed rapid expansion. New classroom space, dormitories, athletic fields, an auditorium, and a library were constructed. In 1966, the baccalaureate programs were accredited by the New England Association's Commission on Institutions of Higher Education. A graduate school was established in 1969, with enrollment that quickly rose to more than 1,500 students. In 1970, the institution's fiftieth anniversary, its name became the University of New Haven.

In addition to the graduate school, the current university consists of four colleges: arts and sciences, business, engineering, and criminal justice and forensic science. An independent board of governors, according

1. The text of this report was written in the first instance by the members of the investigating committee. In accordance with Association practice, the text was then edited by the Association's staff, and, as revised, with the concurrence of the investigating committee, was submitted to Committee A on Academic Freedom and Tenure. With the approval of Committee A, the report was subsequently sent to the faculty member at whose request the investigation was conducted, to the administration of the University of New Haven, 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.

to the 2007 faculty handbook, has the ultimate authority to approve policy for the university and is responsible for its academic and fiscal soundness; at the same time, "governance shall be shared by the board of governors, the president, and the faculty," with the faculty, numbering nearly 170, "delegated primary authority in instructional and curricular matters" for a total student body now numbering approximately 4,500.

Dr. Steven F. Kaplan has served since 2004 as president of the University of New Haven, the sixth in its history. He did his undergraduate work at the University of California, Los Angeles, and completed the PhD degree in comparative literature at Germany's Eberhard-Karls Universität. Before coming to New Haven, Dr. Kaplan was the chancellor and a professor of English at the University of Virginia's College at Wise.

Two administrative officers of the College of Arts and Sciences played a direct role in the case of Ms. Marianna M. Vieira, the subject of this report: Dean Ronald Nowaczyk and Associate Dean Robert D. Greenberg. Dean Nowaczyk was in his first semester at the University of New Haven when he took action in the Vieira case following a complaint by one of her students. Associate Dean Greenberg, who had arrived three years earlier, had taken issue with Ms. Vieira (and others in her department) over her handling of student complaints during the academic years 2004–05 and 2005–06.

II. The Case of Ms. Marianna Vieira

Marianna Vieira received her bachelor's degree from Russell Sage College in 1971, majoring in English. She earned master's degrees over the next few years, respectively in English and secondary education and in English, from the University of Bridgeport and the State University of New York at Albany, where she passed the qualifying examinations for the doctorate but did not write a dissertation. She had a large variety of work experience during her young adult years, as an editor, as a translator, in business offices, and as an adjunct college teacher, most often of English composition, at several institutions.

Ms. Vieira's career at the University of New Haven began in 1993, with a part-time appointment in the Department of English. Her initial full-time

appointment, designated as nontenure track at the rank of lecturer, was for the academic year 1999–2000. The appointment was renewed annually, through the academic year 2006–07.

According to testimony from her colleagues and her department chair, Professor Donald M. Smith, Ms. Vieira was a valued member of the department's faculty and of the university's faculty senate, which Professor Smith served as secretary and to which Ms. Vieira was elected as a member by the College of Arts and Sciences faculty, beginning in 2002. Her senate work included a 2004 effort, after being told that the standards in the bylaws for notice of nonreappointment did not apply to nontenure-track faculty, to gain official clarification of "the exact nature of non-tenure-track positions."

In the case of faculty members whose appointments are probationary for tenure, University of New Haven policy, consistent with the 1940 *Statement of Principles on Academic Freedom and Tenure*, calls for a decision by the end of the sixth year to grant tenure or to make the following year's appointment terminal. In the case of faculty members with non-tenure-track appointments, the practice in the English department has been to consider those with more than six years of service on full-time annual appointments for promotion to the rank of senior lecturer and multiyear reappointment. Accordingly, in the case of Ms. Vieira, during the fall 2006 semester the four tenured professors in the English department evaluated her performance and, on November 29, sent a memorandum to the Committee on Tenure and Promotion unanimously supporting her candidacy for promotion.

While the English department was taking steps that fall to recognize Ms. Vieira's contributions to the University of New Haven, the dean's office was acting to deprive her of any future status at the university. A dispute over class attendance led a student who was unhappy with Ms. Vieira to send a complaint to President Kaplan, who forwarded it to the new dean of the College of Arts and Sciences, Dr. Ronald Nowaczyk. The dean held an "exploratory meeting" with Ms. Vieira and Chair Smith on November 14. Afterward, according to a report issued by the faculty's General Grievance Committee following its review of Ms. Vieira's case and to Chair Smith's notes of his conversations with Dean Nowaczyk, the dean became familiar with a file of earlier complaints kept by Associate Dean Greenberg. He apparently decided, without any further communication with Ms. Vieira or her chair, that the student had been treated unfairly by Ms. Vieira, that there was a pattern of inappropriate behavior by Ms. Vieira regarding her stu-

dents, and that her services should be terminated with the expiration of her current appointment. The dean initiated action to bring the termination about, and he so informed Ms. Vieira on November 30. A strong protest from the tenured members of the English department, urging the dean to rescind his action, was to no avail.

Shortly thereafter, the Committee on Tenure and Promotion met to consider the English department's recommendation regarding Ms. Vieira. With Dean Nowaczyk present, the committee voted not to recommend the promotion. Chair Smith, who was not present at the meeting, wrote to urge reconsideration. Upon hearing further from Ms. Vieira, the committee then reversed itself and voted to support the English department's recommendation.

Ms. Vieira filed grievances against Dean Nowaczyk on December 11 and against Associate Dean Greenberg on December 29. Hearings on the grievances were not held until May, by which time the spring semester had ended and Ms. Vieira's appointment was drawing to a close. Once the hearings were held, however, the grievance committee reported promptly. The Greenberg hearing was held on May 14 and the Nowaczyk hearing on May 22; the reports on both cases were issued on May 23. They found unanimously for Ms. Vieira on all charges and recommended her multiyear reappointment.

The national staff of the American Association of University Professors first learned of the Vieira case through a June 18 memorandum from Professor Charles Ross, president of the AAUP's Connecticut conference, which had been advising and assisting Ms. Vieira. The staff wrote initially to President Kaplan on June 26, conveying the Association's concern over his not yet having responded to the grievance committee and over apparent departures from AAUP-recommended standards and urging, as an immediate step, extension of her appointment through the academic year 2007–08. A July 17 reply from President Kaplan stated that it was inappropriate for him to discuss with an outside agency "the details of a confidential employment matter." The staff wrote again on August 8, responding to the asserted "confidential employment matter" issue, reiterating the Association's concerns, and urging that the president act on the matter, with his action including Ms. Vieira's retention for the new academic year.

By late August 2007, Ms. Vieira knew that someone else had been engaged to teach her courses, and she patched together a workload for herself for the fall that consisted of a course each at Quinnipiac University, Southern Connecticut State University, and two local community colleges. The AAUP staff wrote to

President Kaplan once more on August 27, stating that his lack of action made it incumbent on the Association to determine its own future course of action in the matter. That letter apparently did bring about one prompt action by the president. The letter pointed out that his failure to respond to the General Grievance Committee was in violation of the University of New Haven faculty handbook. The day after President Kaplan received the letter he responded to the May 23 reports from the Grievance Committee by rejecting their findings and recommendations. He followed with an August 30 letter to the AAUP staff, referring to potential legal action and discussions with Ms. Vieira's lawyer and reaffirming his lack of interest in pursuing communication with the AAUP.

The AAUP's general secretary proceeded to authorize an investigation of the issues raised by the Vieira case, and President Kaplan was so informed by letter of September 11. A follow-up letter, identifying the undersigned ad hoc investigating committee and the planned dates for its visit to New Haven, was ready for mailing on September 18 when the university attorney telephoned, requesting a brief delay in the investigation because his discussions with Ms. Vieira's attorney indicated that a settlement might be achieved very shortly. He was informed that the AAUP would postpone doing anything further until September 28. That date came and went without evidence that a settlement was in prospect. The letter that had been prepared was sent on that date, and the president and the two deans agreed to meet with the Association's committee.

The investigating committee visited the University of New Haven on November 6 and 7. Those with whom it met included Ms. Vieira, members of the English department, the chair of the Committee on Tenure and Promotion, and the chair of the General Grievance Committee. The chair of the investigating committee had an informal conversation with President Kaplan, who assured her of his availability if a specific need arose. On November 6, the committee met with Dean Nowaczyk and Associate Dean Greenberg, in the presence of university counsel. The deans indicated that they were not prepared to answer questions at that meeting and requested written questions. On November 10, the investigating committee sent them a set of questions, and it received the answers on November 27. While it took longer than had been anticipated to obtain the responses, what was received was thorough and useful in laying out the administration's position. The committee is grateful to all parties for the cordial cooperation it received.

III. The Termination of Ms. Vieira's Services and the Adequacy of Procedural Safeguards

Ms. Vieira was in her eighth year of full-time service on the University of New Haven faculty, in a category of renewable appointments defined in the faculty handbook as nontenure track, when the administration informed her that her appointment for that academic year would be terminal.

The Association does not recognize the legitimacy of full-time, indefinitely renewable, non-tenure-track appointments. The opening sentence of the Association's *Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments* reads as follows: "Except for special appointments clearly designated at the outset as involving only a brief association with the institution, all full-time faculty appointments are either with continuous tenure or probationary for tenure."

Higher education's fundamental 1940 *Statement of Principles on Academic Freedom and Tenure* and the University of New Haven's own policies on probation and tenure provide for a maximum probationary period: six years for reaching a decision on continuous tenure and a final seventh year if the decision is negative. The service of a faculty member retained beyond that period whose fitness to continue is questioned can be terminated only upon the administration's demonstration of adequate cause with procedural safeguards along the lines set forth in the 1940 *Statement's* complementary document, the 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings*.

The investigating committee accordingly finds that Ms. Vieira, in her eighth full-time year on the faculty when Dean Nowaczyk notified her of action to terminate her services, was entitled to protections against dismissal provided in the aforementioned documents, including an adjudicative hearing of record, confrontation of witnesses, a high standard of proof regarding evidence, review by the governing board, and, in the event of dismissal, payment of severance salary. Because her successive annual appointments were designated as nontenure track, however, the administration decided that it could act as it did without a formal process beyond access by the faculty member to the grievance procedure. In Dean Nowaczyk's words, "Decisions concerning the renewal of non-tenure-track faculty are the responsibility of the dean."

It is clear to the investigating committee, however, that the action against Ms. Vieira was a dismissal for perceived cause. The tenured English department members acted on November 29, 2006, under university

procedures to recommend Ms. Vieira's promotion to senior lecturer, and the dean's office told the candidate the very next day, without the department's knowledge, that she would not be reappointed after eight years of full-time service, when there was a continued need for the courses she had taught. The ongoing need for those courses can reasonably be seen to imply that the only reason for not retaining Ms. Vieira was her perceived lack of fitness to carry out her professional responsibilities at the university. In fact, the administration did provide the investigating committee with such a reason for its action: "a pattern of behaviors that were inconsistent with common sense notions of professionalism and civility in addressing students and their concerns."

Having determined that Ms. Vieira's case was a dismissal for cause, the investigating committee must address whether AAUP-recommended procedural standards relating to dismissal, as set forth in the 1940 and 1958 statements, were followed by the administration in implementing its decision. These standards include, as preliminary steps to any formal hearing, discussion of the matter of concern with the faculty member in personal conference and review of the matter by a faculty committee that would advise the president on whether formal proceedings should be instituted.

In response to the investigating committee's inquiry regarding procedures that were followed before he notified Ms. Vieira of his decision, Dean Nowaczyk wrote:

Prior to making any decision concerning the renewal of Ms. Vieira's non-tenure-track appointment, the Dean of the College of Arts and Sciences met with both Ms. Vieira and the chair of her department on November 11, 2006 to review the November 6, 2006 student complaint to the president about Ms. Vieira, together with the events leading to the complaint. In connection with this meeting, Ms. Vieira was afforded the opportunity to explain her position concerning her interactions with the student in question. Prior to making his determination the dean also reviewed eight prior student complaints concerning Ms. Vieira which had previously been referred to the dean's office, and consulted with the provost. No other process was required by applicable university policy concerning a dean's decision not to renew a non-tenure-track appointment.

Prior to Dean Nowaczyk's taking office in the summer of 2006, Associate Dean Greenberg had met with Ms. Vieira on three occasions to review student complaints. According to the associate dean, on each occa-

sion he offered a judgment about her professional behavior. At two of the meetings he linked his judgment to her future at the university. At an October 2004 meeting, he subsequently wrote, she "was warned that non-tenure-track appointments were subject to termination as a result of student complaints of this type." When Ms. Vieira was told on November 30, 2006, that her contract would not be renewed, the reason given to her was "a pattern of complaints that rose to the attention of the dean's office and other administrative offices, including that of the president." The administration asserted that the "pattern of complaints" indicated behavior "inconsistent with common sense notions of professionalism and civility," but there were no procedural safeguards in place, as required under AAUP-supported standards, to ensure that the deans' judgment was fairly reached.

Ms. Vieira had alleged in her grievance against Dean Nowaczyk that the administration did not follow its own published university procedures. The grievance committee unanimously found that the university procedures had been violated in the following ways: the dean had not provided Ms. Vieira with adequate notification; he never sought evaluations of her performance that were available at the English department and did not use them in the decision to terminate; and he did not look into existing appropriate procedures and acted without consulting the department. The committee recommended that she be retained.

President Kaplan had the right under university policy to reject the findings and recommendation of the committee, which he did. On August 28, 2007, three months after the grievance committee reported, the president responded to the committee by supporting the action of the dean's office. He stated that the dean followed the relevant timetable for notification of non-renewal; that the dean was not required to consult with the department before making his decision; and that there are no restrictions or limitations under university policy on the administration's right to decide not to renew a one-year contract for a non-tenure-track faculty member. The investigating committee was troubled to learn that the administration and the General Grievance Committee had such different readings of the university's stated policy on the process to be followed.

The investigating committee finds that the action against Ms. Vieira constituted a dismissal for cause and that, whatever the adherence to university policy, she was not afforded academic due process as called for under AAUP-supported procedural standards.

IV. The Adequacy of the Procedural Standards in Assessing the Student Complaints against Ms. Vieira

Dean Nowaczyk's decision to dismiss Ms. Vieira was based on his judgment that the student complaints were not only valid but also serious enough to make her unfit to continue to teach at the University of New Haven. As it did regarding the procedures followed in Ms. Vieira's dismissal, the investigating committee will address the procedures employed in assessing the student complaints, measuring the procedures against those recommended by the AAUP and against the university's own stated procedures.

The focus of *The Assignment of Course Grades and Student Appeals*, a statement first approved by the Association's Committee A in 1997, is on a student's complaint regarding an assigned grade, but the document treats the grading of course work as an aspect of the broader issue of evaluating academic performance. The investigating committee sees the statement's principles and recommended procedures for appeal as equally applicable to other aspects of student performance in the Vieira case, including attendance requirements, reading requirements, and prohibition against plagiarism.

The statement on grades and appeals, citing the *Statement on Government of Colleges and Universities*, emphasizes that assessing student academic performance is a faculty responsibility. It emphasizes that the authority of the instructor of record to evaluate student performance is "a direct corollary" of the "freedom in the classroom" assured the instructor by the 1940 *Statement of Principles*. Citing respectively the Association's *Statement on Professional Ethics* and the *Joint Statement on Rights and Freedoms of Students*, the statement goes on to refer to the obligations of faculty members to have their evaluations "reflect each student's true merit" and to the rights of students to "protection through orderly procedures against prejudiced or capricious academic evaluation." The statement calls accordingly for "a suitable mechanism for appeal," while warning, at least concerning the assignment of a grade, that "under no circumstances should administrative officers on their own authority substitute their judgment for that of the faculty."

Committee A's statement then offers "recommended procedural considerations" regarding a student's appeal. The student should first discuss the matter with the course instructor. If the student does not wish to accept the instructor's response, he or she should go next to the department chair or to the faculty member who is the instructor's immediate administrative superior. If the

matter still remains unresolved, it should be referred to an ad hoc committee of faculty in the department or in closely allied fields. If that committee should find compelling reasons to overrule the instructor, it should, providing its reasons in writing, ask the instructor to act accordingly. If the instructor refuses and if, after opportunity for further explanation, the ad hoc committee holds to its position that corrective action is needed, the committee can then, and only then, recommend that the department chair or faculty administrative superior take the action that the instructor declined to take.

As to the official procedures at the University of New Haven for processing student complaints against members of the faculty, the student handbook informs the prospective complainant that grievances against faculty are under the jurisdiction of the General Grievance Committee, which is accessible to all students and has policies that apply to all instructors. The initial steps for the student to take are those in the AAUP's recommended procedure: speaking first to the instructor and then to the department chair. Next, departing from the AAUP procedure, which keeps the handling of student complaints entirely within the faculty, the student handbook calls for consultation with the dean of the school and then the office of the provost. Those officers of the administration are responsible only for attempting to resolve the student's complaint, however, not for determining its validity. When they too cannot resolve the complaint, it is forwarded to the faculty's General Grievance Committee, which proceeds under a detailed statement, *Policies and Procedures*, for obtaining evidence and holding hearings. The committee's conclusions regarding student complaints are binding and are sent to the provost for implementation.

The General Grievance Committee's *Policies and Procedures* protects the rights of the parties to confidentiality, to withdraw a grievance as well as to appear before the committee, to be represented by counsel, to examine evidence, and to confront accusers. It has been used successfully in dealing with student complaints. In 1999, well before the arrival of the current deans, a student complaint against Ms. Vieira over an assigned grade went through the university's formal grievance process and did not result in any sanction against her.

None of the seven student complaints about Ms. Vieira that reached Associate Dean Greenberg and the eighth that Dean Nowaczyk received went beyond the dean's office; none went through the university's grievance process. Even if Dean Greenberg were able to resolve a complaint to the student's satisfaction, he was not the appropriate person to judge the validity of the student

complaint. In one case when Ms. Vieira asked him to follow “established university policy,” he responded: “I am confused about your reference to established university policy. . . . I follow up each student complaint with a conversation with the faculty member to ascertain the validity of the complaint.” Ms. Vieira was not provided with a complaint in writing, opportunity to prepare a response, or opportunity to face and question her accuser. Despite an incomplete process, the deans made judgments about the validity of the student complaints, and these were a basis for the conclusions Dean Nowaczyk reached about Ms. Vieira’s professional fitness. He wrote: “The nature of Ms. Vieira’s student conflicts adversely impacted her effectiveness as an instructor. Simply put, the University decided that it was not in its best interests to continue a non-tenure-track faculty member who demonstrated a history of conflict with students, and at times open hostility toward students, which repeatedly escalated to a point requiring the involvement of the dean’s office.”

Some controversy appears to exist at the University of New Haven over whether processing a student complaint against a faculty member requires a written complaint that can be shared with the person accused. Students may be reluctant to put their complaints in writing, but previous Association investigating committees have found that student complaints serious enough to form the foundation for dismissal or nonrenewal must be appropriately documented.² English Department Chair Smith was consistent in requiring that a student with a complaint start the process by writing it down. In January 2005, he advised a student who had come to him with a complaint against Ms. Vieira to follow stated procedures: “Meanwhile, if you wish to lodge a formal complaint about the requirements of E110, the grades you have received on work for that course, or anything else about the English Department, please fill out an official complaint form. . . . I repeat, however, that the real issue is your needing to improve your writing skills, and the place to do that is the Writing Lab.” Except for the case in 1999, no student with a complaint against Ms. Vieira filled out an English department complaint form. Instead, the students went to Associate Dean Greenberg, who did not require a written complaint. In some cases students did not first go to the department chair but rather went directly to the dean, in violation of the university’s own procedures. Associate Dean

Greenberg cites seven student complaints that came to his attention, from a variety of sources.

Ms. Vieira states that she repeatedly asked Associate Dean Greenberg, without success, to document charges against her. In March 2005, after having been called to his office about a student complaint, she asked him for a written copy of the complaint before she agreed to meet. He refused and asserted that “you are indeed required to attend a meeting if it is requested by the dean’s office.” Ms. Vieira responded, “I continue to request that these charges be put in writing, since unwritten, unsigned allegations do not constitute a valid grievance or complaint.”

The investigating committee asked Dean Nowaczyk why he had not followed the process for student complaints against faculty members provided in the student handbook. He wrote in reply that “students having a complaint against a faculty member are not required to file a formal grievance, or even to put their complaints in writing. It is permissible for the student to pursue the more general and less formal approach set forth on page 45 of the [2006–07] *Student Handbook*.” The cited page, in a paragraph titled “Resolution of Student Classroom Problems,” tracks the previously described student handbook provisions for grievances against faculty by having the complaining student discuss the matter with the instructor, then consult with the department chair, and then with the dean of the school. As with the grievance procedures, however, nothing in the “resolution of classroom problems” paragraph authorizes the dean to determine the validity of a student complaint against a faculty member. That determination is to be made by the General Grievance Committee, according to the grievance procedures. The paragraph cited by the dean simply does not address this crucial concern. If Dean Nowaczyk is asserting that a “less formal approach” than the adjudicative proceeding before this General Grievance Committee was “permissible” in Ms. Vieira’s case, the investigating committee takes strong issue with his position. Complaints serious enough to lead to a decision to dismiss—which these student complaints were judged by the deans to be—should have required demonstration before a body of faculty peers of the validity of the complaints and of their adequacy as cause for the action that was taken. The investigating committee finds that Dean Nowaczyk, acting unilaterally as he did, denied Ms. Vieira basic safeguards of academic due process.

In its report on Ms. Vieira’s complaint against Associate Dean Greenberg for his handling of student complaints, the General Grievance Committee stated:

2. See, for example, “Academic Freedom and Tenure: University of Southern California,” *Academe* (November–December 1995): 44–46.

Given the claimed severity of the student complaints handled by R. Greenberg, it seems surprising that none ever resulted in a formal process through the General Grievance Committee, which is indicated as a route of appeal in the *Student Handbook*. Also none had resulted even in a written complaint filed in the Department of English. In fact, on several occasions Dean Greenberg seems not to have even contacted the chair of English about the complaint and simply took direct action from the Dean's Office. This violation of standard procedure was justified on the basis of confidentiality for the student.

The investigating committee sees Associate Dean Greenberg's handling of student complaints essentially by himself as having at best resolved some conflicts to the satisfaction of the student but as having ignored and, in fact, subverted the system in place at the University of New Haven for determining the validity of such complaints.

The investigating committee finds the actions of both the dean and the associate dean in the case of Ms. Vieira to be fundamentally at odds with the Association's position that reviewing complaints from students about an instructor's evaluation of their academic performance is entirely a faculty responsibility.

V. The Adequacy of Student Complaints as Cause for Dismissing Ms. Vieira

The reason the deans gave for Ms. Vieira's dismissal was "a pattern of behaviors that were inconsistent with common sense notions of professionalism and civility in addressing students and their concerns." In explaining his decision not to accept the recommendations of the General Grievance Committee to reinstate Ms. Vieira, President Kaplan added: "The extensive grievance responses from Dean Nowaczyk and Associate Dean Greenberg indicate a pattern of unnecessary confrontational interactions with students, over a period of time, that resulted in numerous complaints to the dean's office. This was a legitimate reason not to renew Ms. Vieira's contract."

Having determined that academic due process was absent in dismissing Ms. Vieira and in attributing validity to the student complaints against her, the investigating committee now turns its attention to whether the available record indicates that the complaints against Ms. Vieira constituted adequate cause to justify her dismissal. Although adjudicative proceedings have not occurred, the investigating committee has obtained an abundance of information on the student complaints. It

will offer its observations about each specific instance and consider whether the available record supports the broad conclusions reached by the deans in justifying the termination of Ms. Vieira's services. The information on the complaints comes mainly from four sources: (1) material provided to the General Grievance Committee by Ms. Vieira and Associate Dean Greenberg, including e-mail exchanges with students and the Greenberg record of a March 27, 2006, meeting; (2) Dean Nowaczyk's answers to questions the investigating committee asked of the deans; (3) Ms. Vieira's syllabi; and (4) university attendance and plagiarism policies.

The deans identified the nine complaints that follow in chronological order.

1. November 1999. This complaint, a dispute over a student appeal of a grade, took place before the arrival of Associate Dean Greenberg, but the deans nevertheless cite it. Unlike any of the complaints that came later, it was processed through the formal grievance procedure, with a hearing before the General Grievance Committee, which found no fault with Ms. Vieira's grading or conduct.

The university attorney, having read Ms. Vieira's written accounts of her interaction with the student, did caution her to "write just the facts" and to "avoid . . . discussing [the student] as if she were a medical professional functioning as [the student's] therapist"; Ms. Vieira apologized for her "unsolicited analysis" and "conjecture."

Ms. Vieira had described the student's behavior in discussion about the grade as "irrational, abusive, threatening, and menacing" and asked that campus security have an officer outside her door for the rest of the semester. The deans later characterized her reaction to the confrontation as an "effort to disparage" the student. However the encounter is interpreted, the investigating committee sees nothing in the available evidence that points toward a lack on Ms. Vieira's part of professionalism or civility toward the student.

2. October 2004. A student in a once-a-week course complained to Associate Dean Greenberg about Ms. Vieira's interaction with him regarding her enforcement of attendance regulations. University policy, indicated on each syllabus in the English department, states that a student who misses more than two weeks of classes may be dropped from the course; no student may be dropped without warning. The student sent Ms. Vieira an e-mail, stating that "I am trying to keep Mondays open to avoid conflicts, but cannot guarantee that I will not be called

off at the last minute.” Her response, that he would be dropped from the class after two absences and would “be treated the same as everyone is treated and expected to fill the same requirements,” was seen as insensitive by the student. He also objected to her comments about his assessment of the readings for the class he had missed. The student had written, “I did, however, read the entire Hemingway book and the Robert Frost poems. . . . I have come to the conclusion that I’m not a big Hemingway fan. The books are slow moving, lack real substance and are not overly exciting. I’m also not a big poetry person, so it was tough to ‘hang in there’ and absorb the poems.” To this, Ms. Vieira responded: “I think you underestimate course requirements. The exams and papers require a deep engagement with the text. . . . Your summary dismissal of Hemingway and your claim that you don’t like poetry suggest that you won’t succeed in this course. The poetry of this period is very demanding and requires careful study. Missing a class would be disastrous for anyone but a student already familiar with the work and/or very skilled at analysis.”

The student complained about Ms. Vieira’s response to Department Chair Smith, who replied that he found “no basis whatsoever for your complaint against Ms. Vieira. She, as well as the rest of the English faculty, enforces attendance regulations set by the university. . . . She has also gone out of her way to explain and reiterate what is in the course syllabus and to advise you fairly and realistically.” He then advised the student to contact Associate Dean Greenberg should he want to pursue the matter further. The associate dean responded to the student’s complaints by calling Chair Smith, Ms. Vieira, and Dean Daniel Nelson (Dean Nowaczyk’s predecessor) to a meeting at which, the deans later wrote to the investigating committee, Dean Nelson “warned [Ms. Vieira] that non-tenure-track appointments were subject to termination as a result of student complaints of this type.” The deans went on to write that, “In short, Ms. Vieira took a situation that began as a student apologizing for missing a class and, by responding with hostile antagonistic rhetoric, against the advice of university counsel, transformed the matter into a situation requiring the involvement of the dean’s office.”

The investigating committee was troubled by four aspects in the deans’ response. *First*, the student was not only apologizing for missing the class, but also telling Ms. Vieira that he might miss other classes. *Second*, Ms. Vieira explained both the attendance requirements and the level of analysis required to do well in the course in language that was neither hostile nor antagonistic. She could have chosen not to respond to the student’s com-

ments about missing future classes and his reading of Hemingway, thereby avoiding a possible confrontation. But to do that would have been to avoid her responsibility to alert him to university attendance policy and to assess his academic performance. While the student might not have wanted to hear these points, Ms. Vieira acted responsibly nevertheless in alerting him to the consequences of missing the equivalent of a week of class. *Third*, whereas in the 1999 case the university attorney had cautioned Ms. Vieira about commenting on student behavior as if she were a therapist, in this case she commented as a professional on university policy and on a student’s academic performance. When the associate dean warned Ms. Vieira about future ramifications, a warning that she says she took seriously as a threat to her position, he was acting in response to a complaint from a student who was unhappy with her requirements for attendance and academic rigor. *Fourth*, the associate dean suggests that the complaint’s having reached his office was a failing of Ms. Vieira’s. The department chair referred the student to the associate dean because that is the next step in the formal complaint process, not because he saw merit in the student’s complaint.

The investigating committee views Ms. Vieira’s language to the student as clear and firm. It sees nothing unprofessional or uncivil in her correspondence with him.

3. January 2005. In this case, Ms. Vieira and the department chair were involved in an e-mail exchange with a disgruntled student who was enrolled in a particular course for the second time. The student claimed that she had failed the course but was told both by the instructor and the chair that she had not yet completed the course and needed to take the required retest of a post-test that she had failed. After several e-mail exchanges with the student, Chair Smith wrote to Associate Dean Greenberg, saying, “I have a sheaf of e-mails, of the rudest and most illogical sort, about her failing the course before and copies of e-mails between her and Marianna for her performance this semester. . . . I am not a professional counselor, and this person’s problems are not within my power to solve, other than to state the obvious, which I have dutifully done. She has a history with us of not satisfactorily addressing the problem (her own inadequate writing skills) but blaming others.” Writing again, he stated that “I have never encountered such absolute illogic and failure to understand language, not to mention such extraordinary rudeness. I will have no further communication with this person.”

The deans wrote to the investigating committee, regarding this complainant, that “Ms. Vieira, contrary to her

role as an instructor, indicated that she ‘prefer[red] to have no further personal dealings with [the student].’” The course, however, was over. Ms. Vieira herself wrote to the associate dean that

I’ve tried every possible strategy to support her goal of passing [the course], but she is either unwilling or unable to accept that the work and effort involved must come from her, not anyone else. She has been so abusive in the past that I’ve had to report her to the dean of students and screen her from my personal emails. I can find no remedy to her situation beyond that of asking everyone involved to reinforce to her that her failure to complete [the course] is a function of her lack of demonstrated skill, not anyone’s whim or personal choice. . . . Given my history with this student, I prefer to have no further personal dealings with her, and I have assured her that if she chooses to re-take the post-test, I’ll gladly allow a colleague to act as additional—or even sole—reader.

Associate Dean Greenberg stated, in his “Chronology of Events,” that “I was not involved in this case,” since the student did not approach his office with any complaint. Still, however, he lists this student’s complaint as one of those against Ms. Vieira that was brought to his office. The investigating committee sees nothing in this incident pointing to Ms. Vieira’s lack of professionalism or civility toward a student.

4. March 2005. Associate Dean Greenberg requested a meeting with Ms. Vieira about a student in her Advanced Essay workshop. According to Ms. Vieira, the student responded angrily to Ms. Vieira’s informing her that her work (one essay contained “thirty spelling errors—in addition to errors in grammar, word choice, sentence structure, etc.”) was not good enough to pass the course. The deans in their description of the incident state that this student had previously graduated from the University of New Haven with an AS degree, and “when she had sought help regarding a problem with spelling and grammar diagnosed by Ms. Vieira, Ms. Vieira immediately became hostile, punishing the student for taking up her offer to help, and attacking the student’s fitness for the class.” The investigating committee saw no evidence in the available correspondence of hostility, punishment, or attack by Ms. Vieira.

Ms. Vieira replied to Associate Dean Greenberg’s summons for a meeting by asking that the student complaint be channeled through the university grievance system: “It is probably not a good idea for me to answer allega-

tions that are verbal, unsigned, and not made in compliance with the university’s systems and procedures.” He refused, saying, “I have talked with Human Resources and they have told me that since this is not meant as a meeting to discuss a student’s charges against you but rather to explain your point of view on what has transpired and discuss strategies for early intervention in the future, you are indeed required to attend a meeting if it is requested by the dean’s office.” Ms. Vieira attended the meeting, at which, she reports, she was asked to become more “nurturing,” “pliant,” and “emotionally supportive and available.” In addition to asking the associate dean to have the student follow the correct procedures for lodging a grievance, she asked him for help with handling the student: “I’d like to know of any suggestions you have for where to turn for help when dealing with students who are not only unable to do the work, but quite possibly—in this case at least—in need of psychological help which I can neither diagnose nor demand she get.”

At this meeting, Associate Dean Greenberg characterized Ms. Vieira’s approach to students as confrontational; he advised her of ways to avoid a recurrence. She wrote thanking him for his “constructive criticism” and stating, “I will work to address my faults.” She also pointed out that at the meeting he had indeed referred to “charges made against you.” She noted that he was “subverting procedures” and rushing to judgment about her competence based on the evidence of two disgruntled students. “Also,” she wrote, “let me remind you that the last time a student complained about my adherence to university requirements, I was warned . . . about an imperative to retain students and reminded that ‘firing the nontenured would be the first step in dealing with the loss of tuition revenues.’”

The student in this complaint withdrew from the course, and nothing about the incident seems to the investigating committee to indicate a lack of professionalism or civility toward the student by Ms. Vieira. Rather, the incident indicates a pattern by the associate dean of interference in the classroom and disregard of standard university procedures.

5. May 2005. A student complained to Associate Dean Greenberg about receiving a failing grade from Ms. Vieira for having plagiarized a play review intended for optional credit. The university policy on plagiarism, referred to in every syllabus in the English department, is that violation of university standards on academic honesty, including those on plagiarism, will be sufficient reason for an “F” in the course and may be reported to the dean

of students. In this case, according to Ms. Vieira, three of the five paragraphs were taken word-for-word from two different sources.

In describing the complaint, the deans wrote: “Ms. Vieira subsequently refused to listen to the student’s explanation, replying that the ‘situation is out of my hands now,’ because the student ‘committed an academic crime,’ and further explaining that she ‘consider[ed] the business resolved and the grade is final and irrevocable.’” The student asked Ms. Vieira to change the grade; she refused to do so. She informed him that she found his e-mail attempt to explain unconvincing, and she declined to discuss the matter with him further. The student complained to the dean’s office. The dean characterized Ms. Vieira’s refusal to “listen to the student’s explanation” for plagiarizing from *USA Today* and the Associated Press as “intransigence” and “typically antagonistic.”

Associate Dean Greenberg wrote that Ms. Vieira’s characterization of plagiarism as an “academic crime” was “unnecessary and overly punitive.” When the investigating committee asked the deans to explain why referring to plagiarism as an academic crime was inappropriate, the deans wrote: “Ms. V’s initial characterization of the student’s conduct as a ‘crime’ could be potentially damaging to the student by creating the erroneous impression, and hence the unfounded fear, that the students could be subjected to arrest or prosecution.”

The investigating committee considers plagiarism to be an academic crime. Nothing in this incident points toward Ms. Vieira’s having shown a lack of professionalism or civility toward a student.

6. March 2006. In this case, a student exceeded the maximum number of class absences permitted in Ms. Vieira’s syllabus and under the university attendance policy. As the deans explain: “According to [the student], who had missed classes due to attendance at a career-oriented conference and because of depression resulting from her mother’s death, Ms. Vieira, rather than contacting her directly to explain her concerns, had simply announced to *the entire class*, and without the student present, that she was removing [the student] from the class roster.” Another student in the class notified the student in question, who e-mailed Ms. Vieira to ask for reinstatement, citing attendance at a conference (two absences), losing track of time (one), and depression over her mother’s death (two) as her reasons for missing the five classes and asking to be allowed to remain in the course. Ms. Vieira wrote back, “I certainly have no interest in being punitive, but again, the policy is in place for your own protection. How can you expect to

pass a course if you’ve missed five out of nine classes? There is no way to address the loss of class time.” The student responded by asserting,

I do not think it is reasonable to use [the attendance policy] in this circumstance. I understand that many students do not have the proper work ethic to maintain good grades and need some kind of structure, such as an attendance policy, to keep them in check. The idea that the policy is to ‘protect’ me is not applicable to every person and in every circumstance. I don’t think I am above the regulations of the university, but I think that it has been put into place in order to protect students who cannot handle the responsibility of attending class of [*sic*] a regular basis.

Ms. Vieira agreed to take the student back into the class if she signed an agreement to come to all remaining classes on time and to abide by the instructor’s decisions on grading. This offer proved unacceptable to the student. She complained to the dean of students, who passed the complaint on to Associate Dean Greenberg. The student claimed that she had been unfairly dismissed from the class and accused Ms. Vieira of “a gross violation of professional conduct.”

Writing to the investigating committee, Associate Dean Greenberg quotes the student as saying that she had “made an extra effort to be warm and friendly in her email to Vieira asking to be treated as an exception to the attendance policy,” and he characterizes Ms. Vieira’s response to the student as “derision.” The investigating committee read all of the available correspondence and could find no evidence of a derisive response.

The investigating committee considers it unprofessional for Ms. Vieira to have told the other students in the class, in the student’s absence or even if she were present, that the student would be dropped. Her offer to take the student back on condition that she agree to waive her right to appeal against a future grade might also be considered unprofessional, depending on how the agreement would have been worded. Nothing else in Ms. Vieira’s behavior toward the student strikes the investigating committee as unprofessional or uncivil.

7. March 2006. Ms. Vieira filed a complaint about another student from the above course with the dean of students, who shared the complaint with Associate Dean Greenberg. Ms. Vieira, in an argument during class in late February with the student about the content of an assignment, had disparaged the student’s remarks about her discomfort with what was assigned. Two weeks later, Ms. Vieira and the student had another argument in

class, this time over a paper by the student that she had graded “D.” Ms. Vieira asked the student to stay after class, and the two argued heatedly about the paper and the earlier assignment. The student, on her way out, turned and shouted an obscenity at Ms. Vieira, whereupon a staff member who had overheard called the campus police. The student, who was studying in the criminal justice program, dropped Ms. Vieira’s course and was required by the administration to attend anger management classes. Still, this incident was included by the deans in their list of student complaints against Ms. Vieira.

8. March 2006. Another student from that same class discussed with Associate Dean Greenberg his wish to be allowed out of the class but did not request that the dean’s office intervene. The associate dean cites this student’s complaint about “unreasonable expectation” in the course, stating that Ms. Vieira “routinely assigns 150 pages of reading between a Tuesday and a Thursday class, and that she does not show any flexibility when students fall a little behind or have other obligations that sometimes interfere with keeping up in class.” The investigating committee sees it as within Ms. Vieira’s professional discretion to determine the content and conduct of her course.

Associate Dean Greenberg’s notes have him calling a meeting with Ms. Vieira and a representative from the university’s human resources department “to discuss student complaints made by three students” in the class. He states that during this meeting he referred to a “pattern of insensitivity on the part of the instructor” which “simply cannot be tolerated.” He attributes the problem to Ms. Vieira’s “rigidity with regard to course requirements, particularly absences and student work. Especially troubling has been her insistence on not distinguishing between excused and unexcused absences, her unrealistic expectations regarding the amount of reading in a given week, and her generally confrontational attitude toward students.” The English department chair was not invited to this meeting.

The investigating committee is troubled by three concerns stemming from the above-quoted comments. *First*, the investigating committee has seen no indication of needless “rigidity” by Ms. Vieira in enforcing the attendance policy. She explained its reasons clearly to students and tied it to their performance: missing more than two weeks of classes negatively affects the student’s ability to master the material in the course, to participate in class, and to do well in exams. *Second*, setting the amount of reading in a course is the prerogative of the instructor and it was not for the associate dean to

conclude that Ms. Vieira’s “expectation” in this regard was “unreasonable.” *Moreover*, the associate dean gave her the impression at the meeting, according to his notes, that she should “reduce” the requirements in her courses. The English department chair had not expressed any dissatisfaction with Ms. Vieira’s syllabi or teaching and had, together with the other tenured department members, recommended her for promotion to senior lecturer. The investigating committee sees such interference with her course requirements from outside the department as entirely inappropriate.

9. November 2006. On November 6, 2006, a student e-mailed President Steven Kaplan, complaining about Ms. Vieira’s lack of sympathy with her problems related to depression. Associate Dean Greenberg quotes the student e-mail as evidence of Ms. Vieira’s “embarrassing a severely depressed student in front of the class.” The investigating committee sees this incident, even as described from the student’s own perspective, as by no means evidence of this kind of insensitivity by Ms. Vieira. Here is the student’s version, sent to President Kaplan:

Today in class I did not know the answer to a question and got kicked out by Ms. Vieira. I was diagnosed with depression at the start of the semester and updated Ms. Vieira on my condition and she understood. This weekend due to my inability to get more anti-depressants because my insurance refuses to pay for it, I relapsed and was unable to make it out of bed. Unfortunately because of this I was unable to read and slept all weekend which I also called out of work. When I was sitting in class I did not know the answer to a question [Ms. Vieira] asked to the entire class, I then proceed to sit there and wait for the class to respond. At that point I was getting antsy and I had to have a cigarette because while having depression I started up this habit and without my medicine I start to feel sick. Ms. Vieira then proceeded to kick me out because I had pulled out a cigarette. I feel as if this school has no sympathy for those with medical issues. She sent me a message in the past hour saying she is failing me. Which in [*sic*] unfair in my mind due to the fact I have worked hard to get my grade back up and prove everyone including myself wrong.

President Kaplan forwarded the student’s e-mail and correspondence with Ms. Vieira to Dean Nowaczyk, who asked Associate Dean Greenberg to follow through by meeting with the student. Dean Nowaczyk also moved to arrange a meeting with the associate dean, the English

department chair, and Ms. Vieira. Chair Smith asked that the meeting “not include [Associate Dean Greenberg], who has alienated this entire department by actions that we see as detrimental to our efforts to uphold basic standards and encourage students to take responsibility for their actions . . . there is an unpleasant history here.” Dean Nowaczyk then removed the associate dean from further responsibility in the matter.

On November 14, 2006, Dean Nowaczyk met with Ms. Vieira and Chair Smith, “to allow her the opportunity to respond to the student’s complaint.” According to the deans’ account, “Ms. Vieira responded to the student’s complaint by clinging to denial” that she knew of “the student’s medical and emotional problem.” Ms. Vieira, throughout her correspondence with the student and the deans, indicated that she did not have what she considered to be official notice of any need for medical accommodation for the student in question: “I am not aware of any medical problem; you’ve submitted no paperwork to support any need for special accommodation.” The deans quoted from e-mails in which the student told Ms. Vieira about her depression.

Ultimately, with Ms. Vieira’s agreement, the student was allowed to withdraw from the course. The investigating committee sees Ms. Vieira’s responses to the student as perhaps overly hostile under the circumstances, but hardly unprofessional and uncivil and certainly not of a magnitude making it “the last straw” warranting the termination of Ms. Vieira’s services.

In only one of these nine cases reviewed in this section has the investigating committee found some indication of unprofessional conduct. There is no pattern. The investigating committee finds nothing approaching adequate cause for dismissal in the student complaints involving Ms. Vieira. The committee strongly doubts whether the administration would have moved to terminate Ms. Vieira’s services if it did not believe it had authority to act unilaterally in the matter because of her non-tenure-track status.

VI. The Current Status of Non-Tenure-Track Faculty

With the University of New Haven administration having gone so far as to dismiss Marianna Vieira after eight years of full-time faculty service and despite her department’s continuing support, the investigating committee wishes to note the context for the decision to dismiss her and the changing status of non-tenure-track faculty members at the university.

Indicative of the current status of non-tenure-track faculty is the most recent revision of the university’s faculty handbook (February 12, 2007; revised March 8, 2007),

which was approved in a faculty vote.³ The 2007 handbook formalized the distinction between tenure-track and non-tenure-track faculty and the differences in protections for the two categories: “The terms and conditions of employment for individuals appointed to non-tenure-track titles are contained in their individual employment contracts (letters of appointment) and are not part of this Faculty Handbook unless specifically identified in this handbook.” The 2007 handbook specifies, “after three continuous years of service, full-time non-tenure-track faculty on multiple-year contracts may be eligible to vote in university faculty elections and to serve on shared governance committees as described in the constitution and handbook.” As the multiple-year contract is the exception rather than the rule at the University of New Haven, the new handbook disenfranchised a section of the faculty that had traditionally participated in shared governance, including membership in the Faculty Senate. In addition, the new handbook replaced a provision that non-tenure-track faculty after two years of service be notified of non-renewal a year before contract expiration with a provision that they be notified by January 1 prior to expiration (unless they are in their first year, in which case they may be notified as late as May 1).⁴

3. A new element in the 2007 handbook, affecting tenure-track and non-tenure-track faculty alike, is a detailed, formal annual faculty review process. “Fail[ing] to meet acceptable university standards” on these performance evaluations, whether or not a faculty member is tenured, is considered grounds for dismissal.

4. Provost and Senior Vice President David P. Dauwalder provided the University of New Haven administration’s response to a prepublication draft of this report that was sent with an invitation for corrections and comments. The response begins by asserting that the report “takes the university to task for following its own policies rather than those of an unrelated third party, the AAUP.” It points out that the 1940 *Statement of Principles* and derivative AAUP-recommended standards have not been adopted by the governing board or the faculty and that several other AAUP documents noted in the report are each inapplicable to the Vieira case. Faulting the university for departing from these standards, the response alleges, “contravenes even most basic concepts of fairness and due process.” The response goes on to say, however, that the University of New Haven’s policies, unlike the AAUP’s, provide for “two distinct categories of faculty: tenure track and non-tenure track.” Those on the tenure track are governed by policies “nearly identical to those published by the AAUP,” while non-tenure-track faculty are subject each year to renewal

VII. Conclusions

1. The University of New Haven administration notified Ms. Marianna M. Vieira of the termination of her services, by unilateral action of her dean, when she was in her eighth year as a full-time faculty member and was being recommended by her department for retention and promotion.

The administration stated that the dean was authorized to act as he did because Ms. Vieira's status on the faculty was designated as nontenure track, a category not recognized under Association-recommended standards, which confine full-time nontenured service to appointments probationary for tenure and special appointments of brief duration. Ms. Vieira, having served beyond the maximum probationary period permitted under the 1940 *Statement of Principles on Academic Freedom and Tenure*, was entitled under that document to its protections in a case of dismissal for cause.

By dismissing Ms. Vieira without first having demonstrated adequate cause before a faculty hearing body and affording other procedural safeguards, the administration acted in disregard of the 1940 *Statement of Principles*

or nonrenewal of appointment. The use of the latter, according to the response, "is a common practice within academia," and its use at the University of New Haven "should not come as a surprise to the AAUP, nor should it be pejoratively labeled as outside the scope of common practice in higher education."

Receiving the largest quantity of coverage in the administration's response are its interpretations of Ms. Vieira's handling of the nine student complaints during her final seven years on the faculty. The response alleges that the AAUP report, in finding "some indication of professional misconduct" in only one of the cases, "misses the forest for the trees" because the decision to terminate her services was not based on the merits of the complaints, which the administrative officers did not evaluate, but rather "resulted entirely" from her "tendency to exacerbate, rather than resolve, student concerns."

The AAUP report finds "no pattern" in the student complaints, but "contrary to the AAUP's unfounded assertion," the response alleges, "there is a pattern. Each of these students approached Ms. Vieira with a relatively mundane concern, and in each instance, as a direct result of Ms. Vieira's hostile conduct, these concerns were transformed into student complaints requiring the attention of the dean's office and other administrative offices. AAUP does not deny the history of complaints, nor can it. It is a history that far eclipses that of any other faculty member in the College of Arts and Sciences, and one that is entirely unacceptable."

and the complementary 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings*.

2. The administration based its action against Ms. Vieira on her interacting with students according to information on student complaints that the dean's office had accumulated. The administration's methods in obtaining and processing this information were at odds with applicable Association-recommended standards, and often with the university's own published standards, for reviewing student complaints of an instructor's evaluation of their academic performance.

3. Nine episodes of student complaints cited by the administration, stretching over seven years, reveal only one with some indication of unprofessional conduct, no pattern at all of misbehavior, and nothing approaching adequate cause for dismissal. ☹

DIANE C. ZANNONI (Economics), Trinity College, chair

PAULA M. KREBS (English), Wheaton College
Investigating Committee

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

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

Members: RONALD M. ATLAS (Biology), University of Louisville; LINDA COLLINS (Political Science), Los Medanos College; SHELDON KRIMSKY (Biomedical Ethics and Science Policy), Tufts University; SUSAN E. MEISENHOLDER (English), California State University, San Bernardino; DAVID MONTGOMERY (History), Yale University; ADOLPH L. REED, JR. (Political Science), University of Pennsylvania; ANDREW T. ROSS (American Studies), New York University; CHRISTOPHER M. STORER (Philosophy), DeAnza College; ERNST BENJAMIN (Political Science), AAUP Washington Office, ex officio; MARY L. HEEN (Law), University of Richmond, ex officio; CARY NELSON (English), University of Illinois at Urbana-Champaign, ex officio; JOAN E. BERTIN (Public Health), Columbia University, consultant; MATTHEW W. FINKIN (Law), University of Illinois, consultant; ROBERT A. GORMAN (Law), University of Pennsylvania, consultant; JEFFREY R. HALPERN (Anthropology), Rider University, consultant; ROBERT C. POST (Law), Yale University, consultant; LAWRENCE S. POSTON (English), University of Illinois at Chicago, consultant; GREGORY F. SCHOLTZ (English), Wartburg College, liaison from Assembly of State Conferences.