



March 2, 2021

VIA ELECTRONIC MAIL

Dr. H. Neil Matkin  
District President  
Collin College  
2200 West University Drive  
McKinney, Texas 75071

Dear President Matkin:

Ms. Audra Heaslip, a professor of humanities with more than nine years of full-time service at Collin College, and Dr. Suzanne Jones, a professor of education with more than eight years of full-time service, have sought the advice and assistance of the American Association of University Professors as a result of having received notice in a January 28, 2021, letter from Dr. Toni P. Jenkins, senior vice president of campus operations, that their appointments at the college would not be renewed beyond their expiration on May 14, 2021. Professors Heaslip and Jones report that the stated basis for the decisions not to renew their appointments concerned their activities and remarks regarding Collin College's COVID-19 policies. Professor Jones reports that the administration also cited her involvement with the Texas Faculty Association, a nonprofit organization affiliated with the National Education Association. (We are aware from press reports that a third faculty member has also recently been notified of nonrenewal, potentially for similar reasons.)

Our Association's interest in these cases stems from a longstanding commitment to fundamental tenets of academic freedom, tenure, and due process, as enunciated in the enclosed 1940 *Statement of Principles on Academic Freedom and Tenure*, jointly formulated by the AAUP and the Association of American Colleges and Universities and endorsed by more than 250 scholarly societies and higher-education organizations.<sup>1</sup> Procedural standards derived from the 1940 *Statement* are set forth in the AAUP's *Recommended Institutional Regulations on Academic Freedom and Tenure* (also enclosed).

Under the 1940 *Statement*, full-time faculty members whose length of service has exceeded the maximum period of probation have "permanent or continuous tenure, and their service should be terminated only for adequate cause, except in the case of retirement for age or under extraordinary circumstances because of financial exigencies." While we appreciate that Collin College does not grant appointments with indefinite tenure, the AAUP nevertheless regards Professors Heaslip and Jones as having attained

---

<sup>1</sup> The academic freedom sections of Board Policy DGC (Local), "Employee Rights and Privileges – Employee Expression and Use of College Facilities," are based in large part upon the 1940 *Statement*.

Dr. H. Neil Matkin

March 2, 2021

Page 2

de facto tenure through length of service because their full-time service at the college has exceeded the seven-year maximum probationary period specified by the 1940 *Statement*. As a result, we would view the administration's actions against them, not as nonrenewals, but as summary dismissals.<sup>2</sup>

AAUP-supported standards regarding the dismissal of a faculty member with indefinite tenure are set forth in Regulation 5 ("Dismissal Procedures") of the enclosed *Recommended Institutional Regulations*. Under Regulation 5, a faculty member subject to dismissal is entitled to an adjudicative hearing of record before an elected faculty body in which the burden of demonstrating adequate cause for dismissal rests with the administration. Regulation 5a states that "[a]dequate cause for a dismissal will be related, directly and substantially, to the fitness of faculty members in their professional capacities as teachers or researchers." The standard of proof (Regulation 5c[8]) will be "clear and convincing evidence in the record considered as a whole."

We have reviewed the Collin College policy for contesting nonrenewals and dismissals for cause, the "Employee Complaint Procedures – Pursuant to DGBA (Local)," and, regrettably, have found its provisions to be grossly deficient relative to the aforementioned standards. Faculty members are not afforded a hearing before an elected faculty body but rather before an administrative hearing officer or Resolution Review Panel consisting solely of administrators. The administration does not carry the burden of proof in termination hearings, nor must they demonstrate that the grounds for dismissal are related to the faculty member's professional fitness.

Regulation 5a notes that "[d]ismissal will not be used to restrain faculty members in their exercise of academic freedom." Professors Heaslip and Jones have alleged that the actions against them responded to their conduct as faculty representatives on Collin College governance bodies, their criticisms of Collin's COVID policy, and their affiliation with the Texas Faculty Association. If so, their summary dismissals were effected in violation of their academic freedom to participate in institutional governance. As you are doubtless aware, academic freedom protects not only teaching and scholarship but also intramural speech. As the AAUP noted in *Protecting an Independent Faculty Voice: Academic Freedom after Garcetti v. Ceballos*,

The academic freedom of a faculty member pertains to both (1) speech or action taken as part of the institution's governing and decision-making processes (for example, within a faculty committee or as part of a grievance filing) and (2) speech or action that is critical of institutional policies and of those in authority and takes place outside an institution's formal governance mechanisms (such as e-

---

<sup>2</sup> Even if the actions taken against Professors Heaslip and Jones could be viewed as nonrenewals rather than terminations, the notice issued to them was seriously deficient under generally accepted academic standards. Faculty members should be given at least twelve months' notice before the expiration of an appointment after more than two years of service. See the enclosed *Standards for Notice of Nonreappointment*.

mail messages sent to other faculty members). In its 1994 statement *On the Relationship of Faculty Governance to Academic Freedom*, the AAUP affirmed the inextricable connection between academic freedom in teaching and research and the free and effective participation of faculty in institutional governance.

Professor Heaslip reports that she was provided the reasons for the administration's action against her in the January 28, 2021, telephone meeting with Collin College's chief human resources officer and Dr. Mark Smith, provost of the college's McKinney campus. The human resources officer memorialized the meeting in a follow-up email message to Professor Heaslip. According to that message, Provost Smith had stated that "there were no concerns raised with [Professor Heaslip's] classroom instruction." However, he had noted that "some of the conduct [she] chose to engage in . . . did not support the mission and vision of the college" and that this conduct "supported the college's reasons for [her] non-renewal."

All of the conduct mentioned related to Professor Heaslip's service on Collin College's Faculty Council and the college's COVID reopening task force and her alleged remarks about the work of those bodies, which the email message characterized as "a prime opportunity to be directly involved in shared governance," which, the provost had incorrectly stated, "does not mean shared decision-making." The objectionable conduct listed included "fostering [her] own personal agenda when elected to represent various faculty," "exerting external pressure on the college not to reopen for certain classes when the need was apparent," "challenging operational decisions that undermined Board-approved decisions," and "disrespect[ing] the work" of the COVID reopening task force. The administrators noted that these concerns might have been raised "through direct or appropriate channels at the college" and that Professor Heaslip's failure to do so constituted "lack of collaboration and unprofessional conduct."

In August 2020, Professor Jones was preapproved for a three-year renewal of her appointment to begin in fall 2021, based on the recommendations of her associate dean, dean, and provost. However, in a January 28, 2021, meeting, Dr. Mary Barnes-Tilley, provost of the Plano campus of Collin College, informed Professor Jones that you and Vice President Toni Jenkins had decided not to approve that renewal. Although she received no written statement of the reasons for your decision, Professor Jones reports that Dr. Barnes-Tilley informed her orally that the decision was due in part to her "inappropriately challenging" Collin College's COVID policies, presumably in connection with Professor Jones's service as a representative on the Collin College Faculty Council. (There is no allegation that Professor Jones violated these policies, only that she had questioned or raised objections to them.) Dr. Barnes-Tilley also cited the fact that Professor Jones had been listed, with her Collin affiliation, on the Texas Faculty Association web page in summer 2020. (When informed of the administration's displeasure at this listing, Professor Jones asked the TFA to remove it, which they did.) In addition, Dr. Barnes-Tilley referred to an unspecified "similar" incident from 2017.

Dr. H. Neil Matkin

March 2, 2021

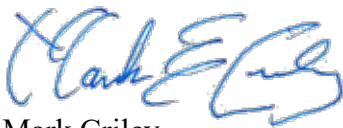
Page 4

Given the reasons cited by administrators on your behalf, we find it hard to escape the conclusion that the decision to terminate the services of Professor Heaslip and Professor Jones was prompted by their critiques of institutional policies and, perhaps, by their membership in the Texas Faculty Association. If so, the actions taken against them were based on considerations that violated principles of academic freedom widely observed in American higher education.

Our information about this case has come primarily from Professors Heaslip and Jones, and we appreciate that you may have additional information that would contribute to our understanding of events. We would therefore welcome your comments. Assuming the essential accuracy of what we have recounted, we believe that the actions taken against the two professors constituted summary dismissals effected in flagrant disregard of the 1940 *Statement of Principles on Academic Freedom and Tenure* and thus a matter of serious concern to our Association under its longstanding responsibilities. We therefore urge in the strongest terms that the notices issued to Professors Jones and Heaslip be immediately rescinded.

We look forward to your timely response.

Sincerely,



Mark Criley

Program Officer

Department of Academic Freedom, Tenure, and Governance

Enclosures via electronic mail

Cc: Dr. J. Robert Collins, Chair, Collin College Board of Trustees  
Mr. Andrew Hardin, Vice Chair, Collin College Board of Trustees  
Dr. Toni Jenkins, Senior Vice President of Campus Operations, Collin College  
Dr. Mark Smith, Campus Provost, McKinney Campus, Collin College  
Dr. Mary Barnes-Tilley, Campus Provost, Plano Campus, Collin College  
Professor Kat Balch, President, Collin College Faculty Council  
Professor Aaron West, Vice President, Collin College Faculty Council  
Professor Jeff Blodgett, President, Texas Conference of the AAUP  
Professor Suzanne Jones, Collin College  
Professor Audra Heaslip, Collin College