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September 13, 2017

VIA ELECTRONIC MAIL AND USPS

Dr. Ronnie Green
Chancellor
University of Nebraska–Lincoln
1400 R Street
Lincoln, Nebraska 68588

Dear Chancellor Green:

Ms. Courtney Lawton, a sixth-year doctoral student with a part-time appointment as a lecturer in the English department at the University of Nebraska–Lincoln, has sought the advice and assistance of the American Association of University Professors as a result of having been removed from her teaching responsibilities for two sections of English 150. Ms. Lawton has informed us that Dr. Donde Plowman, executive vice chancellor and chief academic officer, notified her of this action in a September 5 meeting and gave “security reasons” as its basis.

Our Association’s interest in this case stems from its longstanding commitment to basic tenets of academic freedom and due process, as enunciated in the enclosed 1940 *Statement of Principles on Academic Freedom and Tenure*. That document was jointly formulated by the AAUP and the Association of American Colleges and Universities (AAC&U) and has been endorsed by more than 250 scholarly societies and higher-education organizations. Derivative procedural standards are set forth in the *Statement on Procedural Standards in Faculty Dismissal Proceedings*, also the joint formulation of the AAUP and the AAC&U, and in the Association's *Recommended Institutional Regulations on Academic Freedom and Tenure* (both enclosed).

We understand that the action to remove Ms. Lawton from the classroom stems from an incident that occurred on August 26, when she protested the presence on campus of a recruitment table for Turning Point USA, a conservative non-profit organization that maintains the *Professor Watchlist* website. Her protest, which included the chanting of anti-fascist slogans and the use of

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expletives and obscene gestures, was filmed by the undergraduate student staffing the table and was subsequently posted on websites such as *Campus Reform*.

On the day following the meeting with Dr. Plowman, Ms. Lawton received a letter, dated September 5, from the executive vice chancellor. The vice chancellor wrote, "Your conduct was outside the bounds of what we expect for classroom instructors," adding, "The way you chose to express your views was disrespectful, and it was in fact experienced by the student as 'silencing.'" After citing the section of the University of Nebraska Board of Regents Bylaws on "Academic Responsibility," Dr. Plowman stated, "Consider this as a warning that if there are further incidents in which we determine that your conduct fails to meet the duties of academic responsibility you will have jeopardized your employment relationship with the university." This letter of reprimand does not address Ms. Lawton's removal from her teaching duties, nor has she received any subsequent written notice of the suspension.

The AAUP regards an action to separate a faculty member from ongoing academic responsibilities prior to demonstration of stated cause in an appropriate proceeding to be a suspension, justified, according to the *Statement on Procedural Standards*, "only if immediate harm to the faculty member or others is threatened by the faculty member's continuance." Under Regulation 5a(1) of the *Recommended Institutional Regulations*, when an administration seeks to take such an action, it must first consult with an appropriate faculty body "concerning the propriety, the length, and other conditions of the suspension." Regulation 5a(1) also specifies that "a suspension that is intended to be final is a dismissal and will be treated as such." Procedural standards for the imposition of a suspension as a severe sanction are set forth in Regulation 7 of the *Recommended Institutional Regulations*. They call for a hearing before a faculty body in which the burden of demonstrating adequate grounds for imposing the sanction rests with the administration.

We understand that, although Ms. Lawton expressed concerns for her safety to campus police prior to the September 5 meeting, she did not request to be suspended from teaching. We understand, further, that, following her suspension, the investigating campus police officers informed her that they were not aware of any active threats against her or her students. We also understand that the administration has not notified Ms. Lawton of the expected length of the suspension and has not confirmed that she can return to her normal teaching duties in the spring semester.

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Removing Ms. Lawton from the classroom in the context of the written reprimand and without any findings by the campus police of an active threat against her or her students raises the question whether the suspension was in fact imposed as a sanction. The absence of a stated end of the suspension raises the question whether the suspension is in fact a dismissal. That the action was taken in response to Ms. Lawton's protest as a citizen raises the question whether the suspension infringes Ms. Lawton's academic freedom. These questions remain unresolved in the absence of affordance to Ms. Lawton of any academic due process.

The information in our possession regarding the case of Ms. Lawton has come to us exclusively from her, and we appreciate that you may have additional information that would contribute to our understanding of what has occurred. We shall therefore welcome your comments. If the facts as we have recounted them are essentially accurate, we urge the administration to consult with an elected faculty body concerning the propriety, the length, and the other conditions of the suspension. We further urge the administration to inform Ms. Lawton in writing of the outcome of this determination and to afford her an opportunity to challenge both the suspension and the letter of reprimand before a faculty body.

We look forward to your response.

Sincerely,



Hans-Joerg Tiede

Associate Secretary

Enclosures by electronic mail

cc: Dr. Donde Plowman, Executive Vice Chancellor and Chief Academic Officer
Dr. Joe Francisco, Dean, College of Arts and Sciences
Professor Sarah Purcell, President, Faculty Senate
Professor Marco Abel, Chair, English Department
Professor John Bender, President, University of Nebraska-Lincoln Chapter of the AAUP
Professor Julia Schleck, President, Nebraska State Conference of the AAUP
Ms. Courtney Lawton