

# R E P O R T

# ACADEMIC FREEDOM AND TENURE: SAVANNAH COLLEGE OF ART AND DESIGN A SUPPLEMENTARY REPORT ON A CENSURED ADMINISTRATION<sup>1</sup>

(OCTOBER 2011)

Placement of the Savannah College of Art and Design on the Association's censure list, by the 1993 annual meeting, followed from the SCAD administration's dismissal of two faculty members without having demonstrated cause, thereby denying them academic due process. The AAUP investigation also found a prima facie case of violations of the academic freedom of six faculty members in the administration's action to deny them reappointment.

Correspondence and occasional discussions about the censure and its removal were entirely unproductive until May 2010, when a delegation of new SCAD administrators, expressing determination to resolve the censure, met in Washington with AAUP staff members. The delegation responded favorably to specific staff recommendations regarding revisions in official SCAD policies to bring them into essential accord with AAUP-supported standards and regarding settlements with the faculty members whose cases led to the censure. By spring 2011, the SCAD administrators reported adoption of suitable official policies and agreement on the sums to be paid to released faculty members to resolve their cases. The only remaining step in anticipation of censure removal, once the settlements were offered, was a visit to SCAD by an AAUP representative who would meet with administration and faculty leaders and provide resulting impressions

of the current climate at the college for academic freedom.

In an April 8 e-mail to the AAUP staff, Dr. Tom Fischer, SCAD's chief academic officer, stated that he had met with President Paula Wallace and that they were ready to proceed with the settlements and to host the representative's visit. Four of the faculty members with unresolved cases had been located and had agreed to accept the indicated payments as settlements. Dr. Fischer stated that the checks for the settlements were being drawn, that college counsel was preparing "a simple settlement agreement" for the recipients to sign, and that the checks and agreement forms would be sent to the AAUP office "within the next week." He also stated that an itinerary for the visit was being prepared for the AAUP's approval and that the best date for President Wallace would be April 27. He added that the administration would expect the settlements and the details of the visit to be kept confidential. A staff member, replying on April 12, stated that the April 27 date was acceptable to the potential visitor and that the settlement negotiations and visitor's report would be considered confidential.

With the revisions in the official SCAD policies and with agreement on the settlements, the staff included an account on the Savannah College of Art and Design in the annual report on "Developments relating to Association Censure and Sanction" that was published in the May–June 2011 issue of *Academe* and posted online. The account noted that suitable policies had been adopted, that money for settlements was "being paid" to the located faculty members with unresolved cases, and that Committee A would be reporting on "these positive developments" to the 2011 annual meeting.

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1. The text of this report, written in the first instance by the Association's staff, was submitted to Committee A on Academic Freedom and Tenure. With the approval of Committee A, the report was subsequently sent to the administration of the Savannah College of Art and Design with an invitation for corrections and comments.

Two days before the scheduled April 27 visit, Dr. Fischer sent an e-mail to the staff stating that President Wallace would not be available that week or the next. He proposed three dates in mid-May, and the potential visitor reluctantly consented to May 17. The next word from Dr. Fischer came in a May 13 e-mail stating that the SCAD president “had some last minute concerns about the visit and the confidentiality and non-disclosure” of its results. He stated that she had been encouraged by counsel to get a signed agreement from the AAUP before a visit and that he feared the visit would have to be postponed indefinitely with a resulting unavoidable “delay in resolving the censure issue.” He proposed a telephone conference to discuss a written agreement.

A detailed SCAD-drafted “Settlement and Confidentiality Agreement, and General Release of All Claims” arrived at the AAUP office on May 16, coincidentally the same day that the May–June *Academe* with the staff’s SCAD account was published. Finding the document replete with conditions that the Association could not possibly accept for allowing an AAUP representative’s visit, staff members telephoned Dr. Fischer to convey their dismay. The focus of their comments was on three conditions for the visit, two of them in the draft document’s opening sentence. The first of these was agreement by the AAUP to remove the censure. The staff members asked how anyone at SCAD could conceivably expect AAUP officials to commit the Association to an action that, as was well known at SCAD, only its annual meeting can take. The second condition in the sentence was that the AAUP remove from its website its 1993 report on SCAD that was the basis for the censure and any related published information. The staff members remarked that setting this condition hardly inspires confidence in the sensitivity to academic freedom at SCAD.

The last of the three conditions on which the staff members commented had more immediate ramifications for the current status of academic freedom at SCAD than the desire to purge unwelcome historical information. For a visit with the stated purpose of gaining an impression of the climate for academic freedom, the AAUP (and indeed the visitor himself, through the execution of a separate confidentiality and nondisclosure agreement) needed to acknowledge that SCAD had “sole discretion in determining the itinerary” for the visitor: where on campus he may go, whom he could interview, and what topics he could discuss. SCAD was to receive a copy of the visitor’s report, and anything in it that went beyond the

SCAD-approved topics to be discussed was to have no effect on removing the censure.

By way of explaining the conditions for going forward that President Wallace now desired, Dr. Fischer referred to her enduring bitter feelings about disruptions and riots at SCAD two decades ago, her belief that the released faculty members instigated the students and incited violence, and her fear of what these faculty members still might do. The staff members replied that the president, if she remains so fearful of their enmity, would seem better advised to make the settlement payments now than to leave the faculty members with the issue of not getting the payment they were told was being offered to them.

In an e-mail dated June 1, Dr. Fischer stated, “We still intend to offer the settlement to the ex-professors. We just want it to be confidential and we don’t want SCAD to be dragged through the mud again.” Conversations a few days later involving AAUP staff members, SCAD’s vice president for academic services and its associate vice president for academic support, and Dr. Fischer produced arrangements for settlement payments under which the staff would speak with each of the four faculty members, inform them that they were being sent a release to sign, and obtain their mailing addresses for the SCAD administrators. The releases were to be mailed by the following week, with a copy sent to the AAUP. A reminder sent by the AAUP staff to the three administrators on June 14 brought no response, and a second reminder, e-mailed on June 29, also went unanswered. In August the staff placed calls to released faculty members who were supposed to be getting settlements and was informed that they had heard nothing directly from SCAD. Discussion of the SCAD situation at a meeting of the AAUP’s senior staff on August 23 resulted in a decision to prepare this supplementary report. President Wallace was so informed and was told that she would have opportunity to comment on a draft text before a final version was published.

The unexpected sharply negative developments for censure removal described in this report largely speak for themselves, and a single concluding observation would seem in this case to suffice. Committee A, in considering whether to recommend removing a censure, has been interested not only in settlements of cases and corrections of deficiencies in stated policies but also in the current climate at the institution for academic freedom and due process. An AAUP representative commonly makes a brief visit to the institution for this purpose, particularly an institution like SCAD

where an AAUP chapter does not exist and direct contact in recent years with faculty members has been scant. By setting extremely restrictive conditions for allowing a visit to occur, however, the administration itself placed massive limitations on freedom at SCAD to seek truth. The administration's apparent zeal to control the content of a visitor's report about academic freedom ironically provided abundant evidence that the current climate at SCAD for academic freedom is sorely deficient.<sup>2</sup> ■

Committee A on Academic Freedom and Tenure has by vote authorized publication of this report on the AAUP website, in *Academe*, and in the *Bulletin of the American Association of University Professors*.

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

Members: MICHAEL F. BÉRUBÉ (English), Pennsylvania State University; SHELDON KRIMSKY (Biomedical Ethics and Science Policy), Tufts University; DAVID MONTGOMERY (History), Yale University; ADOLPH L. REED JR. (Political Science), University of Pennsylvania; ANDREW T. ROSS (American Studies), New York University; ELLEN W. SCHRECKER (History), Yeshiva University; CARY R. NELSON (English), University of Illinois at Urbana-Champaign, ex officio; ROBERT M. O'NEIL (Law), University of Virginia, ex officio; ERNST BENJAMIN (Political Science), Silver Spring, MD, consultant; JOAN E. BERTIN (Public Health), Columbia University, consultant; MATTHEW W. FINKIN (Law), University of Illinois at Urbana-

Champaign, consultant; ROBERT A. GORMAN (Law), University of Pennsylvania, consultant; JEFFREY R. HALPERN (Anthropology), Rider University, consultant; HANS-JOERG TIEDE (Computer Science), Illinois Wesleyan University, liaison from Assembly of State Conferences.

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2. The response from the SCAD administration to a pre-publication copy of this report, submitted by Vice President for Academic Services Gokhan Ozaysin, included the following paragraphs:

While we would have preferred to settle this matter, we find that we can no longer engage in negotiations with your organization. To be sure, the negotiations between our organizations have broken down over your demands regarding the conditions of a site visit; focused on a 19-year-old complaint, they have nothing to do with the high quality education that our faculty provides or with student achievement.

We recognize that there are some fundamental issues on which our organizations will not find agreement. That said, we had not previously believed that our disagreements were insurmountable.

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Unfortunately, in light of our most recent contact with AAUP, we now think that is the case. And, while we appreciate the opportunity to comment on your document, we do not believe that doing so will provide any resolution to our difference. The document is not only unfairly targeted, it contains a one sided and incomplete recitation of what occurred. We find it disappointing that your organization would draft such a document, and indeed make plans to publicize it as a report. We believe a report is inappropriate and any update to the prior *Academe* printing should simply state that negotiations broke down.