
Report of Committee A on Academic Freedom and Tenure, 2013–14

Introduction

The 2013–14 Committee A report includes both judicial and legislative activities. The judicial work of Committee A involves the imposition and removal of censure. In 2012–13, two administrations were censured, and two others were removed from the censure list. In a fifth case, positive developments subsequent to our investigation led the committee to defer any recommendation on censure and instead to monitor developments and report back to the annual meeting in June 2014. At the 2014 meeting, we reported that these positive developments continued and announced that the committee had closed its file on the case. The 2014 annual meeting also voted to censure one administration and to delegate to Committee A the authority to remove another from the list, providing certain criteria are met.

In legislative activity, Committee A completed its revision and expansion of *Academic Freedom and Electronic Communications*, a report first adopted in 2004. The revised and expanded report is certainly timely, given the growing number of assaults on faculty members' speech rights as exercised in social media and other electronic formats. The committee also approved two new policy documents on intellectual property, a statement on the freedom of teaching in multisection courses, and a statement on Confucius Institutes. Committee A also discussed the apparent proliferation of instances in which institutions mandate use of "trigger warnings" in syllabi and other course materials. The committee agreed that such mandates violate principles of academic freedom and appointed a subcommittee to develop an official statement on the subject, which we hope to issue even before our next meeting in November.

I am also pleased to report that in a major victory for academic freedom and tenure, the American Bar Association rejected proposals to eliminate or dilute the tenure provisions in the ABA accreditation standards

for law schools. In January, the AAUP submitted comments to the Council of the ABA Section of Legal Education and Admissions to the Bar strongly opposing the elimination of the tenure provisions and arguing against the proposal that would have diluted tenure protections. Theresa Chmara, the AAUP's general counsel, attended a hearing in Chicago on February 5 to present the AAUP's position and respond to questions. Although we had been informed that passage of at least one of these proposals was a "done deal," the ABA council in March voted to reject both proposals and retain the current accreditation standards. This was a great and somewhat unexpected victory for the AAUP, for our law school colleagues, and for all those who opposed these changes. Special thanks go to Theresa and to our legal staff, Aaron Nisenson and Nancy Long, as well as to Steve Sanders, law professor at Indiana University, who was the primary author of the AAUP submission, and to AAUP members Robert Gorman, Robert O'Neil, Matthew Finkin, David Rabban, and Rana Jaleel for their contributions.

Judicial Business

Imposition of Censure

At its June meeting, Committee A considered one case that had been the subject of an ad hoc investigating

Status of Committee A Cases and Complaints, as of May 31, 2014

All current open complaints, not opened as cases	269
All current open cases	145
Total complaints and cases currently open	414

committee report published since the 2012 annual meeting. The committee adopted the statement below recommending that Northeastern Illinois University be added to the Association's list of censured administrations, the AAUP Council concurred, and the 2014 annual meeting voted to impose censure. I want to thank the members of the investigating committee, Rebecca Williams (chair), Betty DeBerg, and Joseph Persky, as well as Peter Kirstein, chair of the Illinois AAUP conference Committee A, and the other members of Illinois Committee A, who first took up this case.

Northeastern Illinois University. The AAUP investigating committee's report, published on the AAUP website in December and included in this year's *Bulletin*, deals with a case of tenure denial at this public institution in Chicago. The candidate, an assistant professor of linguistics, had been recommended for tenure successively by his tenured linguistics colleagues, his department chair, the dean of the College of Arts and Sciences, and, unanimously, the faculty's elected University Personnel Committee. The NEIU president, however, declined to support the professor's candidacy by forwarding it to the board of trustees for final action. Of the sixteen candidacies for tenure to reach her desk that year, his was the only one that she rejected.

The NEIU president provided only two reasons for denying the faculty member tenure: his failure to meet her deadline for filing a plan regarding student advising and the inadequacy of his "cooperation with colleagues and students." The AAUP's subsequent report found that his missing the deadline was inadvertent and harmless and that all available evidence "showed him to have been fully cooperative." The president had initially written that the administration possessed "significant information" which the candidate's supporters lacked. She did not comply with the AAUP staff's request for it, but she did agree to a meeting, accompanied by her chief administrative officers, with the AAUP investigating committee during its visit to NEIU in August 2012. Committee members recall asking her three times during the course of a half-hour meeting why she rejected recommending the candidate to the board. She first replied that there was no unrevealed additional information. On the second occasion, she suggested that there was information but she was not inclined to provide it, and finally she stated that she was comfortable with her decision and would not discuss it further.

Without the president's having come forth with a credible reason for opposing the candidate, the investigating committee focused on an opinion broadly held by NEIU faculty members on what in fact had motivated her. Upon first joining the NEIU faculty, the candidate had found himself involved in an ongoing dispute between tenured colleagues in linguistics and others in the department with credentials more appropriate to instruction in English as a second language (TESL). The linguistics professors became increasingly hostile toward the president and the provost, whom they accused of favoring TESL faculty in curricular decisions at their expense. A linguistics professor became chair of the faculty senate in fall 2009 for a two-year term, whereupon the senate began a study of faculty governance at NEIU that culminated in faculty votes of no confidence in the president and her provost in 2010–11. Four linguistics professors were widely seen as leaders in this anti-administration movement: three with tenure and the fourth the candidate for tenure. Faculty members interviewed by the investigating committee expressed the belief that the only nontenured member of the quartet was a convenient target for the president's retaliation because of the quartet's active opposition to her administration. The investigating committee found no evidence that the candidate himself played a major role in procuring the faculty votes of no confidence in the administration. Ample evidence exists, however, of the major role played by the three other linguistics professors, whose tenure largely protected their academic freedom to act as they did. The nontenured professor, lacking that protection, found himself paying the price.

The investigating committee concluded that the Northeastern Illinois University administration, in denying tenure for the un rebutted reasons that have been indicated, violated principles of academic freedom. The committee concluded further that the administration, in failing to state credible reasons for denying tenure, did not afford the candidate academic due process as called for in several applicable AAUP policy documents. Finally, the committee concluded that the administration, by questioning the candidate's collegiality in denying him tenure, disregarded the admonitions in the AAUP statement *On Collegiality as a Criterion for Faculty Evaluation*.

Committee A recommends to the One Hundredth Annual Meeting of the AAUP that Northeastern Illinois University be placed on the Association's list of censured administrations.

Closure of Investigation Following Deferral of Censure

At its June meeting, Committee A, having informed the 2013 annual meeting that it would retain the University of Northern Iowa on its agenda and report back to the 2014 annual meeting, approved the following statement, which was conveyed to the AAUP Council and the annual meeting.

The University of Northern Iowa. The December 2012 report of the investigating committee recounted unilateral actions taken in February and March 2012 by the administration of the University of Northern Iowa to discontinue nearly 20 percent of the university's academic programs. In carrying out these program closures, the administration threatened to terminate more than fifty faculty appointments. Although the terminations did not occur, a number of faculty members, including several with tenure, accepted retirement offers in the belief that refusing to do so would result in the immediate termination of their appointments with no severance pay.

The investigating committee concluded that the administration had defined program areas for elimination solely for the purpose of laying off faculty members it no longer wished to retain, that many of the retirements accepted as alternatives to layoff were in fact cases of constructive discharge in which the administration terminated tenured appointments without having demonstrated its grounds for so doing, and that these actions violated standards set forth in the joint 1940 *Statement of Principles on Academic Freedom and Tenure* and Regulations 4c and 4d of the Association's derivative *Recommended Institutional Regulations on Academic Freedom and Tenure*. The committee also found that the administration's actions violated principles articulated in the AAUP's *Statement on Government of Colleges and Universities* as well as the university's own policies.

In June 2013, a new president took office. In the months preceding his appointment, he engaged the faculty union (UNI-United Faculty, an AAUP chapter), the faculty senate, and the AAUP's staff in discussions aimed at addressing the issues raised in the investigating committee's report. Following these discussions, UNI faculty leaders, including the AAUP chapter president, informed the AAUP's staff of improvements in academic governance and urged that any action regarding censure be deferred to allow more time to address the investigating committee's concerns. In the meantime, the AAUP chapter and the Iowa board

of regents had reached a settlement in the cases of the faculty members who had been constructively discharged.

As a result of these developments, Committee A made no recommendation regarding the University of Northern Iowa to last year's annual meeting. Instead, it stated that it would retain the matter on its agenda and report back to this year's meeting.

In May 2014, letters responding to a staff request for updates came from key faculty groups and the administration. The chair of the UNI faculty outlined efforts the new president had made to improve communication between the faculty and the administration and noted the "greatly improved relationship" between the faculty and the Iowa board of regents. In closing, he thanked the AAUP, on behalf of the UNI faculty, for its assistance during the past three years and for helping to "move things in a positive direction." The chair of the university faculty senate cited increased faculty control of the curriculum (with further progress expected) and increased faculty involvement in budgetary decision making (again, with further progress expected) in addition to improved communication. He stated that he and his fellow faculty leaders have found the new administration to be "transparent, open-door, and supportive of innovation."

The president of the AAUP chapter reported that the administration has been meeting productively with UNI-United Faculty to address the issue of program definition in times of financial stress, that the cases of individual faculty members affected by the threatened layoffs have been resolved through cooperative efforts, that additional outstanding issues have been addressed, and that new channels of communication between the president and the chapter have resulted in several promising joint initiatives, including discussions of interest-based bargaining with the board of regents. He closed by stating that by working cooperatively, the administration and UNI-United Faculty "have made significant progress in restoring respect for academic freedom, tenure, and faculty governance at the University of Northern Iowa."

The UNI president informed the staff that, after assessing the challenges the university faced upon his taking office, his administration had made a commitment to "communication, collaboration, and service." He cited specific steps taken to increase faculty involvement in all areas of institutional decision making, including making structural changes to key governance bodies, and to address other issues raised

in the investigating committee's report. He thanked the AAUP's leadership for its "support and assistance" over the past year in helping the university "move forward with AAUP as a partner in the educational process."

In view of these many favorable developments, Committee A is pleased to close its file on the University of Northern Iowa investigation.

Removal of Censure

Committee A adopted the following statement recommending that the annual meeting delegate to Committee A the authority to remove Louisiana State University, Baton Rouge, from the Association's list of censured administrations during the months immediately ahead. The Council concurred in the statement, and the annual meeting voted its approval.

Louisiana State University, Baton Rouge. The Association's 2012 annual meeting imposed censure on the administration of Louisiana State University and Agricultural and Mechanical College, Baton Rouge (LSU), based on actions concerning two cases that differed regarding the administrative officers involved and the matters under dispute but that were alike in testing core issues of academic freedom.

The first case, involving a nontenured associate professor of engineering who was denied retention after seventeen years of full-time service, tested freedom regarding research and publication and regarding extramural utterances in a politically charged atmosphere. The professor's work in coastal erosion and in hurricane- and flood-related issues had brought him prominence and favorable evaluations. Hurricane Katrina's August 2005 onslaught placed him in a national spotlight that the LSU authorities were at first glad to share. Their support of him ended, however, after he found that a main cause of the flooding in the New Orleans area was the structural failure of the levees overseen by the US Army Corps of Engineers. Anticipating cooperation from the corps in coastal restoration projects, the LSU administrators expressed resentment over having been linked in the media with the professor's findings. They took several steps to restrain his public activities, to keep LSU at a distance from those activities, and, subsequently, to deny him further appointment.

The AAUP investigating committee concluded that the administration denied the engineering professor the academic due process that should have been afforded under AAUP-supported standards and

violated his academic freedom in the following ways: terminating his services largely in retaliation for having dissented from the LSU position on the levees and the flooding, restricting the nature of his research, and penalizing him for having exercised his citizen's rights to speak out extramurally.

The second case, that of a tenured full professor of biological sciences in her thirty-first year of full-time faculty service, tested the freedom of a classroom teacher to assign grades as she saw fit. She had been commended on several occasions for teaching excellence, with praise for her "rigorous approach" and "demanding coursework" in her upper-level courses. In spring 2010, she agreed to "pitch in" by teaching a section of an introductory course for the first time in fifteen years. Her midterm grades were strongly skewed to D and F, leading the college dean, without having consulted with her, to remove her immediately from teaching the course. She asked the dean to hear her explanation for the grades and reconsider, and he replied that he was willing to discuss the matter but his decision stood. LSU's faculty grievance committee found unanimously in her favor, whereupon the administrators assured the committee that the senate was at work on an improved policy on student grading. The dean apologized to the professor for having failed to meet with her personally to tell her he was removing her from the course, but he did not apologize for not having consulted with her before he acted.

The AAUP investigating committee concluded that the LSU administration violated the professor's rights to assign grades and, in peremptorily removing her from an ongoing course, violated her academic freedom to teach. It concluded further that the administration's imposing the severe sanction of suspending her, without opportunity for a faculty hearing, denied her the protections of academic due process.

* * *

The engineering professor filed suit in federal district court. Late in 2012, after extensive discovery proceedings, he reached a financial settlement with the university. The biology professor received an apology for the actions against her which supporters claimed could have been stronger, but the administrators responsible for the actions had by then all moved on. In May 2014, the LSU Honors College published an article, "Always at the Cutting Edge," that praised the biology professor for her teaching leadership. The administration immediately linked the article to

a press release posted on the LSU homepage. With the two major cases settled for all practical purposes, remaining to be considered by Committee A in its statement on this case to the One Hundredth Annual Meeting are its knowledge of desired changes in official LSU policies and its sense of current conditions for academic freedom and tenure at Louisiana's flagship public university.

The year 2012 witnessed not only the settlement with the engineering professor but also the departures of the president of the Louisiana State University system in April and the chancellor of the system's Baton Rouge institution in August. A former LSU president served as interim president-chancellor, the two positions to be combined pending the selection of a successor. After a selection process that was stormy even by Louisiana standards, with faculty groups complaining of being shut out, Dr. F. King Alexander was appointed in spring 2013 to the combined office.

Writing in March 2014 to AAUP president Rudy Fichtenbaum, Dr. Alexander informed the Association of his interest in having the censure removed. In the two years since the publication of AAUP's investigative report, he remarked, "a number of factors have changed internally," and he noted that, in the cases with which the report deals, "every administrative position involved in those cases, except one, is now held by a person different from when the cases occurred." Associate General Secretary Jordan E. Kurland, as the staff member most versed in handling Louisiana cases and the person currently handling the LSU censure situation, immediately assured Dr. Alexander that his interest was welcome, and Dr. Alexander promptly designated Vice Provost for Academic Programs T. Gilmour Reeve as his representative for discussion of the censure and its potential removal. The AAUP staff shared the Alexander letter with current and former officers of the AAUP chapter and faculty senate, inviting their comment on what else, beyond recommended changes in official policies, may need to be done before the censure is removed.

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Over the ensuing weeks, Vice Provost Reeve and his staff have been fully cooperative in locating and providing the AAUP staff with requested information on changes in official policy documents and in numbers of full-time persons holding faculty appointments outside as well as inside the tenure system. The following examples of policy changes strongly support

the argument that the LSU administration's current interest in censure removal be honored.

First, with respect to a key change involving academic freedom, the adoption in August 2013 of Policy Statement 44, "Student Grading," has been acknowledged by all parties in the 2010 actions against the biology professor as the best that can be said at the upper-class level on fairness in assigning grades, on the basis of grades, and on the respective rights of involved students, instructors, and administrators.

Current official LSU provisions governing tenure-track and tenured full-time faculty appointments are set forth in Policy Statement 36-T, adopted in August 2009. A parallel document adopted at the same time, PS 36-NT, governs full-time faculty appointments at specified ranks designated as ineligible for tenure. PS 36-T merits high praise for its emphasis on the crucial role of a strong tenured faculty. It states in its preamble that

the university seeks to employ and maintain a staff of tenured and tenure-track faculty with superior qualifications to advance its mission and to nurture and support the work of those faculty members, while observing the principles of academic freedom and the tenets of the tenure system. . . . Among personnel decisions, the decision to award tenure is of distinguished and central importance. . . . The decision entails the presumption of professional excellence. It implies the expectation of an academic career that will develop and grow in quality and value, and one that will be substantially self-supervised and self-directed. [Tenure] assures that the employee will not be dismissed without adequate justification and without due process. With tenure comes a steward's role in the university's governance and leadership. In particular, the tenured faculty will play a key role in the decisions to appoint new faculty and to promote continuing faculty.

At least as important as the role of the tenured faculty in granting tenure to candidates is its role in dismissing a tenured faculty member for cause. Until the end of the twentieth century, official LSU policy on "Termination for Cause" was starkly simple and deficient: "appointments may be terminated prior to normal expectation for any conduct that is demonstrably prejudicial to the university. Before termination for cause, faculty members shall be entitled to have the charges against them stated in writing and to request a hearing, according to procedures of due process,

before a special committee of the faculty appointed by the Chancellor.” Current policy on “Dismissal for Cause for Faculty,” PS 104, is a radical improvement. It meets all of the AAUP’s recommended standards with respect to dismissal proceedings and in fact exceeds those standards. The faculty senate president is to be consulted before any action is taken to reassign or suspend the faculty member during the proceedings. The administration’s charges are still to be heard by a “Committee of the Faculty,” but no longer by a committee whose members are appointed solely at the discretion of the chief administrative officer to whom the committee is to report. Rather, that officer, the chancellor, is to solicit names of at least eight possible committee members from the faculty senate executive committee and at least eight from the LSU AAUP chapter. The hearing committee will consist of no fewer than five and no more than seven faculty members, with the chancellor selecting all of the members from the lists of individuals provided by the senate executive committee and the AAUP.

* * *

The good news reported in this statement is tempered by one important area of uncertainty that leaves Committee A hesitant about recommending the censure’s removal today. A major concern over the past few years for the AAUP nationally, and particularly at large research universities such as LSU in the context of a removal of censure, is the status and the number of full-time faculty members who serve, beyond any reasonable period of apprenticeship, on term appointments renewable at the administration’s discretion. They thus lack the safeguards of academic due process that accrue with the indefinite tenure for which they are not officially eligible.

Late in April the AAUP staff received from the provost’s office the previously noted Policy Statement 36-NT, the parallel statement to PS 36-T for tenure-track and tenured faculty, that governs full-time appointments at specified ranks outside the tenure system. The faculty senate had called for the issuance of PS 36-NT so that procedures for hiring, evaluating, and retaining faculty on contingent appointments are spelled out as clearly as they are for tenure-track faculty, with the result that the procedures in the two documents are much the same until the transition from probation to tenure occurs in PS 36-T. As to the numbers of full-time contingent faculty, figures

supplied by the administration indicate that, among those holding one of the three professorial ranks, there were 86 such faculty during 2009–10 when PS 36-T and PS 36-NT were issued, and there have been 93 during 2013–14, both numbers subject to some increase when faculty members holding a nonprofessorial rank such as instructor are included. Certainly the similarity in the numbers over five years indicates that there has been no rush at LSU to fill vacancies with full-time contingent professors. On the contrary, the vice provost reports that, pending funding in the state fiscal budget, the university plans to fill twenty-five new tenure-track and tenured positions in selective needed specialties.

The LSU administration has not quarreled with Committee A’s position that the number of faculty members on full-time contingent appointments can and should be substantially reduced, yet this is the kind of task that cannot be responsibly accomplished by the stroke of a pen. In order to recommend censure removal today, Committee A would need to predict, based on its knowledge of the discussions that have been held on the matter, that within a few weeks after the start of the new academic year, actions that significantly reduce contingent faculty appointments will be in process. Lacking evidence upon which to base that prediction, Committee A is reluctant to recommend LSU’s removal from the censure list at this moment. With all of the positive steps toward removal that the LSU administration has taken, however, the committee is equally reluctant to have the action held over until the annual meeting in 2015. It accordingly recommends that this annual meeting delegate to Committee A authority for removing the censure once it can attest that actions are in process which will ensure the protections of academic due process for full-time faculty members holding contingent appointments. If the committee cannot so attest by the time of its November meeting, the issue of censure removal will be held over for consideration by the annual meeting in 2015.

Legislative Business

At its November meeting Committee A approved and sent to Council a much revised and expanded version of its 2004 report *Academic Freedom and Electronic Communications*. After receiving Council approval, the revised report was published online in April. It appears in this edition of the AAUP *Bulletin* and will be included in the centennial edition of *Policy Documents and Reports* (the Redbook), scheduled for publication in January 2015.

At that meeting Committee A also approved for publication as part of this report *The Freedom to Teach*, a statement articulating existing AAUP policy on the relationship between the academic freedom of individual faculty members in the classroom and collective faculty responsibility for the curriculum, particularly with regard to multisection courses. The text follows.

The freedom to teach includes the right of the faculty to select the materials, determine the approach to the subject, make the assignments, and assess student academic performance in teaching activities for which faculty members are individually responsible, without having their decisions subject to the veto of a department chair, dean, or other administrative officer. Teaching duties that are commonly shared among a number of faculty members require a significant amount of coordination and the imposition of a certain degree of structure, often involving a need for agreement on such matters as general course content, syllabi, and examinations.

In a multisection course taught by several faculty members, responsibility is often shared among the instructors for identifying the texts to be assigned to students. Common course syllabi and examinations are also typical but should not be imposed by departmental or administrative fiat. The shared responsibility bespeaks a shared freedom, which trumps the freedom of an individual faculty member to assign a textbook that he or she alone considers satisfactory. The individual's freedom in other respects, however, remains undiluted. Individuals should be able to assign supplementary materials to deal with subjects that they believe are inadequately treated in the required textbook. Instructors also have the right to discuss in the classroom what they see as deficiencies in the textbook; doing so could turn out to be as effective in engaging the students as requiring them to use an alternate textbook. These principles apply equally to faculty in the tenure system and those with contingent appointments. Although under these circumstances the decisions of the group may prevail over the dissenting position of a particular individual, the deliberations leading to such decisions ought to involve substantial reflection and discussion by all those who teach the courses. The department should have a process for periodically reviewing

curricular decisions and altering them based on a consensus of the appropriate teaching faculty, subject to review at other levels of governance.

The statement may also be found on the AAUP website and was noticed in the January–February 2014 issue of *Academe*.

In addition, the committee at its fall meeting approved the *Statement on Intellectual Property* and the much more extensive *Defending the Freedom to Innovate: Faculty Intellectual Property Rights after Stanford v. Roche*. Both documents were adopted by the Council at its November meeting, were posted in June 2014 on the AAUP's website, and are included in this issue of the *Bulletin*. The *Statement on Intellectual Property* will also be published in the centennial edition of the Redbook.

At its June meeting, Committee A approved *On Partnerships with Foreign Governments: The Case of Confucius Institutes*, produced by a subcommittee formed at the committee's fall meeting. In it, we join the Canadian Association of University Teachers in recommending that colleges and universities decline involvement with Confucius Institutes unless certain specific conditions are met. Committee A also discussed the mandated use of "trigger warnings" in syllabi and other course materials. A subcommittee was formed to study the issue and to prepare a draft text for the full committee's consideration. Another subcommittee was created to collect information from AAUP chapters and other sources about outside funding and its influence on research and curriculum. The subcommittee will prepare a report or an *Academe* article based on its findings.

Operational Items

The committee was informed of the appointment, effective August 16, of Professor Donna Young of Albany Law School to fill a senior program officer position in the Department of Academic Freedom, Tenure, and Governance. Professor Young, an authority on employment law and discrimination, organized and is president of her AAUP chapter, which recently defeated attempts to lay off tenured and tenure-track faculty without due process. We welcome her to the AAUP staff and look forward to her positive contributions to the committee's work.

Conclusion

I am grateful to the members of the committee and its subcommittees, who serve as volunteers, and to the

staff of the Association, especially those in the Department of Academic Freedom, Tenure, and Governance, for their continued dedication and hard work. In particular, I must acknowledge the extraordinary and continuing contributions of Jordan Kurland, who in 2015, AAUP’s centennial year, will complete fifty years of service on our staff. Jordan is truly a legend in his own time, and his vast knowledge, acuity, and tireless efforts continue to inform and strengthen the work of Committee A. I want also to acknowledge the support of AAUP executive director Julie Schmid, whose optimism and energy have helped infuse not only Committee A but the entire Association with new vitality.

I must also recognize the departures of two valuable staff members.

On December 31, 2013, Susan Smee retired from her position as executive assistant in the Department of Academic Freedom, Tenure, and Governance after ten years of exemplary service to the AAUP. Sue was initially appointed to provide administrative support for the Association’s activities in the area of academic freedom, tenure, and governance, a responsibility that she performed with remarkable efficiency—coordinating requests for advice and assistance from members and non-members alike; keeping and archiving the department’s extensive records; managing its calendar of activities; and arranging for the meetings of Committee A on Academic Freedom and Tenure, the Committee on College and University Governance, the Committee on Women in the Profession, the Committee on Accreditation, and their numerous subcommittees. In November, the AAUP Council passed a resolution honoring Sue for her stellar work on behalf of our profession, commending her “invaluable service to the Association” and expressing the Council’s “deep appreciation for the great quantity and high quality of that service.”

I also want to acknowledge the fine work of

Jennifer Nichols, who left the Association’s staff for a new position elsewhere earlier this year. Jenn began her work with the AAUP in what was then our Department of Organizing and Services and played a critical role in several organizing campaigns, especially the successful campaign to establish a collective bargaining unit at Bowling Green State University in Ohio. Jenn moved to the Department of Academic Freedom, Tenure, and Governance where her hard and careful work in handling cases was characterized by tact, sound practical judgment, and quick awareness of the core issues. Her fellow staff members praised her passion for justice, her enthusiasm, her outspokenness and courage, her kindness and empathy, and her positive outlook. In particular, Jenn was a strong advocate for extending the protections of academic freedom to those faculty members on contingent employment contracts, a major priority for our work.

In conclusion, 2015 will mark AAUP’s centennial as the foremost advocate for the American professoriate and for academic freedom. The Association will be celebrating its centennial in numerous ways, many of which will recognize the accomplishments of Committee A over the years. The efforts of committee member Hans-Joerg Tiede, who also serves as chair of the Committee on the History of the Association, in uncovering new information about the early years of our committee are worth commendation. His riveting presentation to the 2014 annual meeting, his regular posts about AAUP history on the *Academe Blog*, and his forthcoming publications are not only informative; they also can be inspiring. I would also urge all AAUP members and others who may read this report to celebrate the centennial by donating generously to the AAUP Foundation or to its Academic Freedom Fund.

HENRY REICHMAN (History), *chair*
California State University, East Bay

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Cases Settled through Staff Mediation

The four selective accounts that follow illustrate the nature and effectiveness of the mediative work of Committee A’s staff in successfully resolving cases during the 2013–14 academic year.

Early in 2014, the administration of a major public university system in New England announced the discontinuance of four academic programs as of the following semester. Resulting notifications of termination of services were issued to the faculty mem-

bers, tenured and nontenured alike, who staffed the programs. The administration cited financial considerations, but neither it nor the governing board claimed that financial or specified educational factors called for the particular closures. Several of the affected faculty

members sought assistance from the Association, as did concerned colleagues. The staff responded within forty-eight hours, distributing widely by e-mail a detailed communication explaining AAUP-supported criteria for terminating appointments on financial or curricular grounds and requisite procedural safeguards to be afforded. Pending adherence to these criteria and procedures, the staff's communication urged, the notifications that were issued need to be rescinded.

The very next day, the university president announced the rescission of the termination notifications. Faculty members in the system were quick to praise the Association's contribution to this result. "Surely your [staff's] letter yesterday influenced this decision today," one faculty member wrote, while another stated, "To know you have our back . . . I'd walk into anything!"

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After thirty years without his competence having been questioned, a tenured professor at a church-related university in the West became the object of student complaints in increasing number and intensity about poor teaching. The administration, finding him unwilling to do anything that might remedy the situation or even to discuss it, ceased assigning courses to him and, after consulting with the faculty union, informed him that it was receptive to negotiating an arrangement for his retirement but, should he refuse the offer, it would move to dismiss him for cause. The union officers concurred in the draft of a proposed retirement arrangement and urged his acceptance. The professor said he would do so only if the AAUP also concurred.

The Association was accordingly consulted, and a staff member eventually managed to convince the reluctant professor that the proposed settlement was not subject to challenge under either the collective bargaining agreement or recommended AAUP standards. The professor expressed no happiness in signing the settlement, but the administration's representatives, the faculty union leaders, and the professor's domestic partner all conveyed appreciation for the AAUP's role in bringing the matter to resolution.

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A remedial program at a regional university in the South was closed, with general faculty support, on grounds that the coursework in it should no longer

carry academic credit, and the faculty members in the program were accordingly notified of nonretention after a year of notice. One of the faculty members requested help from the Association in getting explicit written assurance from the administration that his release was because of a redefinition of the job, not because of dissatisfaction with his work. With this assurance, he said that he would accept the decision and not pursue a grievance.

A member of the staff discussed the faculty member's concern with the university provost, who was receptive to accommodating the faculty member in the matter. He invited the staff to propose a text that would suit its recipient. The result was a letter assuring the faculty member that the quality of his performance was never in question and that he was welcome to apply for any new position at the university that he believed he was qualified to fill. Both parties expressed appreciation to the staff for its mediative assistance.

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The spring of 2014 witnessed the publication of *Oliver's Travels*, the memoirs of an emeritus political science professor at the University of Hawaii. The memoirs recount in detail an AAUP investigation of his case. The published report on the case dealt with a dean's letter granting the professor tenure effective the next semester that was rescinded a few weeks later when the professor was arrested for having assisted students in a civil rights demonstration. The report concluded that the professor's academic freedom was violated in the process, and the AAUP's staff resisted urgings by the governing board to persuade the professor to agree to a settlement that would not include granting him tenure. Apparently seeing an inevitable AAUP censure as more to be avoided than granting the professor tenure, the board of regents granted tenure.

The above events culminated in 1969. The professor dedicates his memoirs to the AAUP staff "to whom I have been indebted for 45 years. . . . The AAUP under your guidance found that the university had violated my academic freedom and was central in the process of compelling the regents to reinstate me, with tenure guaranteed. I have never ceased to be grateful to you and the AAUP for achieving this crucial protection of academic freedom for me and the University of Hawaii and indeed the nation." ■