

Yeshiva University (New York)

In 1982, the investigating committee, reporting on the administration's actions to release three tenured professors on grounds of budgeting problems with their programs, found that Yeshiva University's financial situation was not so severe as to warrant the actions and that the administration had refused to defend its actions in a hearing before a faculty body. Within a few years the three cases were resolved through financial settlements, but deficiencies in the official policies governing faculty appointments remained uncorrected.

Nearly two decades elapsed before a new provost launched a project to revise the entire faculty handbook. Work on it proceeded at a snail's pace, and it took until December 2012 before a revised faculty handbook was adopted. The revisions upheld AAUP-recommended standards in nearly all major respects, but with one important exception: they were ambivalent on whether the administration was required to provide the rejected candidate for reappointment or tenure with a written explanation for the adverse decision. The provost who steered the revised handbook through to adoption insisted that an oral explanation sufficed, should the candidate request it. A lawsuit by a faculty member denied tenure who alleged that she was able to obtain only a few meaningless words by telephone from her dean did not sway the provost from his position.

A new provost assumed office in July 2014. In early October she asked the AAUP staff what needed to be done in order to bring the censure to closure. In April 2015, she had to deal directly with the AAUP's long-standing concerns relating to Yeshiva policies and practices on providing reasons for nonreappointment and review of these by a faculty body. As part of a budget-driven restructuring, the previously separate men's and women's departments of economics were merged into one department. All tenured economics professors were retained, but two promising assistant professors in their third year were notified that they would not be considered for tenure. Widespread fear among the faculty that the administrators were placing the tenure system in jeopardy led the provost to issue a "general e-mail" to the entire faculty. In it she pledged her support for the continuance of the tenure system, provided assurance that tenure to recommended probationary faculty would continue to be granted on the basis of academic merit, and in four sentences explained the "very difficult decision," driven by unique circumstances, to eliminate the two tenure-track lines.

Officers of the elected Yeshiva faculty council, themselves AAUP members, consulted with the staff about the content of a communication they were to send to the provost on April 28. The letter faulted the provost for her refusal to convene a faculty review committee, as called for in Yeshiva and AAUP-supported policies, to hear an appeal from the two candidates. Her rationale was that none of the three grounds for appeal (inadequate consideration, academic freedom violation, and impermissible discrimination) applied in the two cases and accordingly a faculty review committee was not needed. "The provost may argue her position before the committee," the faculty council stated, "but she may not substitute her own determinations for those of the committee." The provost immediately accepted the faculty council's position and proceeded to convene the faculty review committee.

The responsible AAUP staff member telephoned the provost to commend her for her actions in these matters. Mutual interest was expressed in seeking the removal of the censure by the AAUP's 2015 annual meeting. The staff agreed to revise an account of Yeshiva University in "Developments Relating to Association Censure" that appeared in the May-June issue of *Academe* to include the positive new actions, and the provost agreed to provide a letter confirming the university administration's commitment to the tenure system and making several other staff-proposed statements. The resulting letter, dated May 13 and requesting removal of the censure, was signed not only by the provost (who had jurisdiction over the two Yeshiva Manhattan campuses) but also by Yeshiva's president, who is the chief officer of its rabbinical program and whose jurisdiction includes the major Yeshiva professional schools: the Albert Einstein College of Medicine; and the Benjamin N. Cardozo School of Law.

The May 13 letter extolled the tenure system as crucial for the functioning of a reputable university. It explained that the decision to deny additional three-year appointments to the two probationary economists was aberrational to that department, that probationary faculty members will continue to be appointed at Yeshiva University, and that they will continue to be considered for tenure based on the merits of their candidacy. The president and the provost also assured the Association that, following the faculty handbook, they will continue to provide reasons in writing and afford opportunity for appeal to a faculty review committee in other cases that may arise. Moreover, they said they will insist that the other administrators under their jurisdiction adhere to these same processes.

The head of the faculty council has reported that a substantial majority of the council members supports removal at this time, and the chair of the New York AAUP Conference's Committee A, apprised of recent development, favors removal. A former national Committee A member uninvolved with the recent developments was given the

charge of conversing with key Yeshiva leaders and providing an impression of the current climate for academic freedom and tenure. A detailed report on these conversations reveals no specific obstacles.

Committee A recommends to the One Hundred and First Annual Meeting that Yeshiva University be removed from the Association's list of censured administrations.