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JULY-AUGUST 2015

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of the American Association of University Professors

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OF THE AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS

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BULLETIN

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From the Editor

Along with annual reports, lists of officers and committees, and other business documents, this centennial issue of the *Bulletin of the American Association of University Professors* prints four reports of case investigations in the area of academic freedom and tenure, the most published in a single year since 2009. On the basis of these reports, the 101st Annual Meeting voted to add all four subject institutions to the Association's list of censured administrations. (For the full text of the statements of Committee A on Academic Freedom and Tenure recommending censure, see the Committee A report that follows the investigating committee reports.)

Academic Freedom and Tenure: The University of Texas MD Anderson Cancer Center, published on the AAUP's website in April, concerns the cases of two full-time faculty members who had served well beyond the seven-year maximum period of probation specified in the 1940 *Statement of Principles on Academic Freedom and Tenure* but were ineligible for indefinite tenure under the center's system of "term tenure," in which all faculty members serve on renewable six-year term appointments. Both had received unanimous recommendations for reappointment from the center's faculty personnel committee. In disregard of AAUP-supported standards, neither was provided with a timely statement of the reasons for the decision or afforded the opportunity of an adjudicative hearing before an elected faculty body, in which the burden of demonstrating adequate cause for dismissal would rest with the administration.

Academic Freedom and Tenure: The University of Illinois at Urbana-Champaign, also published online in April, concerns the widely publicized case of a professor who in fall 2013 accepted a tenured appointment, conditioned on board approval, in UIUC's Department of American Indian Studies. In August 2014, after the appointment officially began and shortly before classes commenced, the UIUC chancellor notified the professor that the system's board of trustees would be rejecting his tenured appointment because of Twitter posts in which he had passionately and harshly criticized Israel's actions in

the then-occurring Israel-Gaza conflict. In the past, board approval had generally been considered a mere formality. In attempting to justify the decision, the chancellor and trustees stated that the professor's tweets, by failing to meet a standard of "civility," demonstrated his lack of fitness for a teaching position, as his incivility would threaten the comfort and security of students. The AAUP asserted that allowing the appointment to begin without the board's having rejected it entitled the professor to the procedural safeguards that accompany tenure. The administration, however, declined to afford him the opportunity for a faculty hearing in which it would have been obliged to demonstrate his unfitness, as required under AAUP-recommended standards when a tenured faculty member is dismissed for cause.

Academic Freedom and Tenure: Felician College (New Jersey), published online in May, discusses the cases of seven full-time faculty members, six of them having served well beyond the maximum probationary period stipulated in the 1940 *Statement*. In late January 2014, they were informed (along with nine colleagues who did not seek the AAUP's assistance) that their appointments would end in June. The reason initially given for the action was financial exigency, even though the college never formally declared the existence of such a condition and presented no evidence to the faculty supporting the claim. The administration did not include the faculty in the decision to terminate the sixteen appointments, nor did it offer any reasons for selecting these particular appointments for termination. Although this small Roman Catholic institution (enrolling about two thousand students) has almost nothing in common with one of the world's foremost cancer centers, it does resemble MD Anderson in not offering appointments with indefinite tenure. All full-time faculty members serve on renewable term appointments. In disregard of normative academic standards, the administration did not afford any of the seven faculty members the opportunity to contest the terminations before a duly constituted faculty body.

Academic Freedom and Tenure: University of Southern Maine, also published online in May, is yet another report on mass layoffs of faculty members

because of alleged budget shortfalls. Sixty tenured and nontenured faculty members (24 percent of the full-time faculty) had their appointments terminated when four academic programs were closed to address a projected budget deficit. Belying the administration’s claim that the closures were also designed to create a community-serving “metropolitan” university whose programs did not duplicate those of the flagship campus was the closure of the program in applied medical sciences, which elicited protests not only from faculty members but also from a wide variety of local business and industry leaders. The administration enacted the closures without adequately involving the faculty and effected the terminations absent either a bona fide financial exigency or a bona fide program discontinuance—under AAUP-supported standards the only bases beyond cause for terminating full-time faculty appointments.

This issue of the *Bulletin* also includes the annual report of Committee A on Academic Freedom and Tenure, the report of the 2015 annual meeting, corrections to the 2014–15 AAUP faculty compensation report, and up-to-date lists of officers and council members for the AAUP, officers and committees of the AAUP-CBC, the board of directors and committees of the AAUP Foundation, and standing committees of the Association.

—Gregory F. Scholtz

Academic Freedom and Tenure: The University of Texas MD Anderson Cancer Center¹

(APRIL 2015)

I. The Institution

The University of Texas MD Anderson Cancer Center, located in Houston, was established in 1941 as part of the University of Texas and is now one of six medical institutions in the fifteen-member University of Texas system. Named for a Tennessee banker and cotton broker whose foundation initially contributed more than \$19 million toward its creation, MD Anderson is one of the three original comprehensive cancer centers designated by the National Cancer Act of 1971 (there are sixty-eight such centers today). Until 2014, when it was barely overtaken by Cornell University's Memorial Sloan Kettering Cancer Center, MD Anderson had for seven successive years been ranked first for cancer treatment in the *US News & World Report's* "Best Hospitals" survey. MD Anderson has also typically ranked first in garnering grants from the National Cancer Institute, receiving more than \$647 million in 2012. According to information on its website, the center treats some 120,000 patients annually and employs 19,655 people, of whom 1,671 are faculty members. In fiscal year 2013, it educated nearly 6,500 trainees.

While MD Anderson may be considered more hospital than university, its School of Health Professions offers bachelor's degrees in eight health disciplines and a master's degree in diagnostic genetics. Its University of Texas Graduate School of Biomedical Sciences offers master's degrees and the PhD in association with its sibling institution, the University of Texas Health Science Center at Houston. Areas of study include immunology, cancer biology, genes and development, molecular carcinogenesis, medical physics, biomathematics and biostatistics, experimental therapeutics, virology, and gene therapy. Each year some 1,200 medical residents, interns, and fellows receive advanced training at the center.

This report will focus on the nonreappointment of two members of the center's faculty, Professors Kapil Mehta and Zhengxin Wang, and will comment on the removal from faculty status of a third, Professor Gouhui Lu. All three actions occurred in the context of administrative pressures on basic-science faculty members to acquire grants to cover an increased percentage of their salaries and on clinical faculty members to treat more patients—and of the faculty's resistance to such pressures. At issue in these contested cases are their ramifications for academic freedom. Diminishing opportunities to garner funding and greater administration demands are not unique to MD Anderson. Nor is it unusual for an administration to pursue initiatives of its own that strain institutional finances. What is unusual at the MD Anderson Cancer Center is its administration's policy of issuing renewable seven-year ("term-tenure") contracts to the senior members of the faculty, arguing that this policy best ensures "the highest level of excellence and accountability."

1. The text of this report was written in the first instance by the members of the investigating committee. In accordance with Association practice, the text was then edited by the AAUP's staff and, as revised with the concurrence of the investigating committee, was submitted to Committee A on Academic Freedom and Tenure. With the approval of Committee A, the report was subsequently sent to the subject faculty members, to the administration of the University of Texas MD Anderson Cancer Center, to the chancellor and vice chancellor of health affairs of the University of Texas system, and to other persons directly concerned. This final report has been prepared for publication in light of the responses received and with the editorial assistance of the staff.

As is common in academia, members of the faculty at MD Anderson are evaluated annually, merit pay is calibrated to these appraisals, and regulations are in place to provide for the dismissal of those faculty members who are seen as having become unfit to continue in their faculty roles during the pendency of their appointments. At comparable institutions, such policies ensure both excellence and accountability. At Memorial Sloan Kettering and Harvard, for example, a system of indefinite tenure exists to protect academic careers through lulls in funding. At MD Anderson, however, the president has unilateral authority to dismiss a faculty member upon the expiration of an appointment without having to provide explicit reasons for the decision, regardless of the faculty member's length of service or the amount of his or her grant income and regardless of the recommendations of the department chair, the division head, or the faculty committee charged with reviewing reappointments. A dismissed faculty member has recourse only to an appeal process that returns for a final decision to the president who made the initial one.

Some of MD Anderson's more senior faculty members who met with the undersigned AAUP investigating committee described the seven-year renewable appointments as a "compromise" negotiated under the "benevolent dictatorship" of a long-serving previous president, Dr. R. Lee Clark (1946–78). All MD Anderson faculty members served under renewable annual contracts until Dr. Clark sought the compromise, which went into effect on September 1, 1975.²

II. The Administration of President Ronald DePinho

Dr. Ronald DePinho took office as the institution's fourth president on September 1, 2011, after a fourteen-year career at the Dana-Farber Cancer Institute and Harvard Medical School. He has an MD in microbiology and immunology from the Albert Einstein College of Medicine. MD Anderson's current chief academic officer is Dr. Ethan Dmitrovsky, the provost and executive vice president, an oncologist who assumed his position in July 2013, after fifteen years as chair of the pharmacology and toxicology department at Dartmouth College's School of Medicine. The center's senior vice president for academic affairs is Dr. Oliver Bogler, who holds a PhD in cancer research from the Ludwig Institute for Cancer Research at University College, London. He began at MD Anderson

in 2005 and was promoted to his current position in 2011. The center's chief medical officer is Dr. Thomas A. Buchholz, executive vice president and physician in chief, with an MD in medicine from Tufts University, who briefly served as interim provost in 2012.

As with the five other medical institutions in the University of Texas system, MD Anderson falls under the general authority of the system's chancellor. In the period covered by this investigation, the chancellor was Dr. Francisco G. Cigarroa, a pediatric surgeon, who until 1969 had served as president of the University of Texas Health Science Center at San Antonio. In January 2015, Dr. Cigarroa was succeeded by Admiral William H. McRaven, formerly head of the US Special Operations Command. Specific authority for medical institutions falls under the system's executive vice chancellor for health affairs, as of September 2013 Dr. Raymond S. Greenberg, a cancer researcher in epidemiology who previously was president of the Medical University of South Carolina.

Institutions within the University of Texas system are governed by the Rules and Regulations of the Board of Regents. Rule 31007, Section 1, "Granting of Tenure," states, "Tenure denotes a status of continuing appointment of the faculty at an institution of The University of Texas System." Section 1 goes on, however, to specify that "[s]uch tenure status shall not be applicable to the faculty of the University of Texas MD Anderson Cancer Center or the University of Texas Health Science Center at Tyler." Section 2, "Seven-Year Term Appointment," authorizes these two exceptions to the system's tenure regulations with the added proviso that no other system institution may adopt or implement such an appointment policy. What some MD Anderson faculty misleadingly call "term tenure" and even "tenure" requires faculty members to be evaluated for reappointment at seven-year intervals; that is, they have renewable seven-year appointments. Indefinite tenure—the rebuttable presumption of continuing employment—has never been granted to anyone at MD Anderson; even endowed chairs are folding chairs. President DePinho's own contract, signed in June 2011, stipulates that the center "does not offer lifetime tenure. Instead, tenure is provided through a series of seven-year contracts which are regularly renewed in the absence of any major issues."

After Dr. DePinho assumed the presidency, the cancer center became embroiled in controversies, and the specific issues of academic due process and shared governance to be discussed in this report are interwoven with those controversies. Faculty members, proud

2. R. Lee Clark papers, MS 70, Series 8, Box 56, Folder 10.

of MD Anderson's reputation for both superb patient care and contributions to basic science, told the investigating committee that they were stung by missteps and improprieties reported in the press—particularly in the *Cancer Letter*, a trade publication—that tarnished the image of their institution. Members of the faculty complained that demands on them were being ratcheted up and their employment was being made less secure at a time when funding was less accessible nationally and when the administration was dedicating additional institutional funds to a unique drug-development initiative.

In October 2011, President DePinho described his new “Moon Shots” program, inspired by Kennedy-era space endeavors, to the Board of Visitors of the University of Texas. “What will our cancer moon shot look like?” he asked. “In this decade, the cancer genome atlas will provide scientists with the list of genes that are mutated in cancer. With the complete list of mutated genes in hand, we will make use of our newfound ability in functional genomics to silence specific genes at will.” But, he explained, “A new organizational construct is needed that will systematically validate targets, develop drugs against those targets, test them in sophisticated models, and bring them forward to the private sector. This afternoon, you will hear about a new institute at MD Anderson that is designed to do just that . . . the newly created Institute for Applied Cancer Science [IACS] . . . a new organizational construct that is modeled after a highly successful effort that Lynda Chin and Giulio Draetta created at Harvard.”³

Dr. Lynda Chin is President DePinho's wife, a well-regarded scientist in her own right who accompanied him to Houston, along with most of the staff of his Harvard cancer-genomics laboratory. Dr. Chin was named chair of a newly founded department of genomic medicine and scientific director of the IACS, the new organizational construct she described as “a business within MD Anderson” whose “work plan [is] to generate a product—not to publish.”⁴

Dr. DePinho's initial employment contract noted that he had already submitted a schedule for resigning from “a number of the companies” in which he had a financial interest. The contract stipulated, “Your activities in these areas will be monitored by the MD Anderson Cancer Center Conflict of Interest Committee in the course of its usual responsibilities.”

3. *Cancer Letter*, May 25, 2012.

4. *Nature* news blog interview, May 31, 2012.

Managing a second potential conflict-of-interest issue, Dr. Kenneth I. Shine, the UT system's executive vice chancellor for health affairs until 2013, detailed Dr. Chin's intended supervision in an e-mail message of August 11, 2011: “As Chair of the Department of Genomic Medicine, Dr. Chin will report to Dr. Waun Ki Hong, Head of the Division of Cancer Medicine. As Scientific Director of the Institute, Dr. Chin with the Administrative Director of the Institute, Dr. Giulio Draetta, will report to Provost Raymond Dubois.” Faculty members noted that under this arrangement the president's wife still reported to officials who reported to her husband.

In May 2012, Dr. Chin attracted faculty criticism and unfavorable press coverage when it came to light that the IACS she codirected had bypassed the grant-application portal monitored by MD Anderson's then provost, Dr. DuBois, with an e-mail application to the Cancer Prevention and Research Institute of Texas (CPRIT), which then bypassed its standard scientific peer-review process in awarding an \$18 million incubator grant, prompting several resignations from CPRIT, including the Nobel laureate who was its chief scientific officer.⁵ A University of Texas system audit found no “ill-intent, improper conduct, or any type of conflict of interest or nepotism contributed to any error in the CPRIT grant submission process” but recommended resubmission of the application to CPRIT and four policy changes.⁶ Controversy also erupted over ties that Dr. DePinho and Dr. Chin maintained with Aveo Pharmaceuticals, a company they cofounded.

In September 2012, President DePinho told the *Cancer Letter*, “We have had the most successful year financially in [MD Anderson's] history,” and he added that he had already asked department heads “for an increase in volume activity ranging from five to ten percent.”⁷ He said that the expectation that basic scientists would cover 40 percent of their base salaries from grants, up from 30 percent, had gone into effect in 2011 and that “investigators were given about two years advance notice.”

President DePinho was meanwhile seeking a sweeping waiver from conflict-of-interest regulations from the University of Texas system so that he could

5. *Cancer Letter*, June 1, 2012, 1–7.

6. Larry Plutko, “Compliance Review of Grant Application and CPRIT Award-CP120015 Institute for Applied Cancer Science at UTMDACC,” June 14, 2012, 2–3, 6.

7. *Cancer Letter*, September 7, 2012, 15.

continue his collaborations with twelve entities and so that MD Anderson would be allowed to run trials on drugs and biologicals of the companies in which he had a stake. Ultimately, the board of regents declined to approve the full list, directing nine to a blind trust, but the board allowed President DePinho to retain his interest in three, including Aveo, which was developing a drug that he especially wanted MD Anderson to test. Dr. Shine, who authored the waiver, stressed to the *Cancer Letter* the potential benefits of having a commercialization-oriented leader over the potential harms related to conflict-of-interest considerations. The unusual arrangement ran into principled objections from critics on MD Anderson's faculty.

The University of Texas faculty senate has periodically surveyed faculty members regarding conditions of faculty appointment at MD Anderson. In October 2012, one year into the DePinho presidency, it commissioned a survey to which 514 faculty members responded. Citing the above issues and others, 73.8 percent said morale had worsened since a similar survey conducted in 2010, and 51.8 percent considered it "likely" they would leave MD Anderson within five years. Criticisms of the president's potential conflicts of interest continued, and, on December 31, 2012, Dr. DePinho retired from the boards of the three pharmaceutical companies for which the regents had granted waivers. On January 10, 2013, he held a "town hall" meeting in which he reviewed scores of topics including a presidential action item—"IFAC priority"—for a planned Institutional Faculty Advisory Committee. On March 4, President DePinho and Professor Jean-Bernard Durand, president of the faculty senate, together announced, "We're pleased to let you know about an important action to improve the two-way dialogue among faculty and institutional leaders: creation of the Institutional Faculty Advisory Committee" composed of the executive committee of the faculty senate and the executive leadership team of MD Anderson, with faculty welfare to be its first priority.

Meanwhile, the MD Anderson faculty senate had conducted a separate study of the impact of high patient volume on the quality of care. And in March 2013, the *Sentinel*, the MD Anderson faculty newsletter, published the results of a faculty salary survey of the years 2007–12, sponsored by the local faculty senate and based on data supplied by the administration, demonstrating that administrators' salaries had increased to more than twice the amount of faculty salaries (including department chairs) over the period.

On May 15, 2013, in an e-mail message to all MD Anderson employees, President DePinho announced austerity measures. These included suspension of merit raises and slowed hiring. He wrote, "Our operating expense has exceeded our operating revenue . . . much like what you'd face with your own checkbook if you spent more than you were paid each month for several months."⁸

In September 2013, the MD Anderson faculty senate conducted supplemental surveys, including one concerned with clinical productivity. According to the survey, 56.4 percent of the 548 faculty respondents agreed that the "demand for increase in clinical productivity negatively impacted patient safety," and 69.3 percent agreed that "increased clinical demands affected [their] ability to provide optimal patient care." A public crisis had developed, with heavy press coverage. The faculty senate called a meeting that was attended by University of Texas system officials who expressed their concern—Drs. Cigarroa, Greenberg, and Shine. Dr. DePinho did not attend but later commented, "I value the input from our faculty and all employees, and will take it to heart as we press forward with our plans for the future."

III. The Case of Professor Kapil Mehta

Professor Mehta, a biochemist with BS, MS, and PhD degrees from Panjab University in Chandigarh, India, accepted his first faculty appointment in 1983 as a research associate in MD Anderson's Department of Clinical Immunology and Biological Therapy, following three years as a postdoctoral fellow at the University of Texas Medical School at Houston. In 1985, he became an assistant professor in the Department of Medical Oncology and thus eligible for a seven-year term appointment; in 1992, he was promoted to associate professor (with a second term appointment); and in 1998, he gained promotion to full professor in the Department of Experimental Therapeutics.

In August 2011, two years before the expiration of his third seven-year appointment, Professor Mehta submitted materials supporting his reappointment to a fourth term to the faculty's Promotion and Tenure Committee (PTC), a body of faculty members

8. The administration's Office of Faculty Academic Affairs, with responsibility for institutional data, raised questions of accuracy that prompted a second faculty senate committee and a newly supplied second set of data from the administration, but "the second analysis reached essentially the same conclusions" as the first, according to the May 2014 edition of the *Sentinel*.

appointed by the administration's Office of Faculty Academic Affairs. Among those materials was his copy of a September 8 memorandum to the committee from Professor Garth Powis, his department chair, and Dr. Waun Ki Hong, his division head, recommending renewal. On November 7, Professor Powis forwarded to Professor Mehta a message from Dr. Bogler, the senior vice president for academic affairs, reporting that the PTC had unanimously approved his reappointment.

In May 2012, however, Dr. Bogler called to inform Professor Mehta that President DePinho had declined to accept the recommendations of the department, the division, and the PTC. When Professor Mehta met with Dr. Bogler, hoping to learn the reasons for his nonrenewal, Dr. Bogler suggested that he resubmit his materials to the PTC along with two or three letters of support from outside colleagues, a suggestion that Professor Mehta considered unreasonable because the PTC had already given its unanimous recommendation for renewal. His annual reviews by the department chair and division head had been positive throughout the period, and he had consistently maintained grant funding to cover the then-required 30 percent of his salary. No negatives had been suggested by anyone.

The nonrenewal decision was confirmed in a June 25 letter from Dr. DuBois, by then the provost and executive vice president, who wrote,

In accordance with the "Non-Renewal of Faculty Appointment Policy" (UTMDACC Institutional Policy ACA0058), upon the recommendation of Dr. Garth Powis, Chair, Department of Experimental Therapeutics, and Dr. Waun Ki Hong, Head, Division of Cancer Medicine, this letter will serve to officially notify you that your appointment as Professor with term tenure in the Department of Experimental Therapeutics, Division of Cancer Medicine, will not be renewed beyond the date of August 31, 2013.

The reasons for non-renewal are that your renewal of term tenure was not approved and you will reach the maximum seven-year [*sic*] of term tenure appointment on August 31, 2013.

In July, and still uninformed of the reasons for the nonrenewal of his appointment, Professor Mehta met with Dr. DuBois, who advised him to file a grievance with the Faculty Appeal Panel (FAP), although the institution's "Faculty Appeal Policy" expressly forbids its application to "non-renewal of tenure."⁹ Professor Mehta submitted his appeal to the FAP together with

new letters of support from two external colleagues. The panel conveyed to the provost its support of the Mehta appeal.

The newly appointed interim provost, Dr. Buchholz (Dr. DuBois having left the institution in August), wrote to Professor Mehta on October 11, informing him that the FAP had met to review his appeal, had acknowledged his "lack of external funding," and had not found that "the non-renewal of appointment was arbitrary and capricious." It became clear only later that Dr. Buchholz's summary of the FAP's finding was a misrepresentation.

Provost Buchholz went on to write, "[B]ased on my review of this matter, including your current lack of expected external funding and the recommendation for nonrenewal by your department chair, Professor Garth Powis, it is my decision that the nonrenewal of your faculty appointment should be upheld." The interim provost added that Professor Mehta had the right to request a meeting with the president before that officer rendered his final decision.

Professor Mehta requested a copy of the FAP's written report in preparation for his meeting with the president. Dr. Buchholz replied, "We do not provide the Panel's written recommendation addressed to the Provost to the faculty member as per our institutional policy." The chair of the MD Anderson faculty senate, whose assistance Professor Mehta had sought, put him in touch with Professor Louise C. Strong, a former chair of the Senate Oversight Committee on Conflict Resolution, who informed him in an October 25 e-mail message that she had successfully urged the interim provost to provide Professor Mehta with a copy of the panel's findings, pointing to "ample precedents for the release of FAP findings to the appealing party." She also told Dr. Buchholz, "FAP was not the appropriate process for tenure renewal. In fact, FAP is specifically excluded from use of appeals for non-renewal of tenure (ACA0041). Thus the finding that there was not an arbitrary or capricious decision is not relevant. What may be more important was that the Panel (per your letter) did not find a reasonable basis for the action of non-renewal of tenure."

9. President DePinho addressed the exception in a letter to the AAUP's staff in May 2014: "Dr. Mehta's appeal process was extended because he requested additional reviews and because MD Anderson experienced changes to the Provost and Executive Vice President position during the course of Dr. Mehta's appeal process. The institution felt it was necessary to make accommodations in light of these special circumstances related to the leadership change."

The panel report stated that Professor Mehta had “been a tenure-track scientist for 29 years with favorable evaluations during this period of time,” with “strong letters from established scientists” indicating that he is “well-respected among his peers.” Among other positive assessments, the report cited his ongoing grant applications and their “very favorable scores, but outside the present funding range. In the current funding environment, such should not warrant an ending of a career at this institution.” The panelists wrote further, “[T]he record and packet are favorably impressive. Other than a funding lull, which he is not alone in experiencing, and which could change tomorrow, we are not seeing a justifiable reason for nonrenewal.” The report ended with the following recommendation: “[W]e support the appeal and favor a 1–2 year grace period that, hopefully, will catalyze a redoubling of Dr. Mehta’s efforts so that he can continue his career at a stimulated level of productivity aligned with the [center’s] institutional goals.”

On December 19, Professor Mehta, accompanied by Professor Randy J. Legerski, the vice chair of the genetics department, met with President DePinho as the last step in his appeal. Professor Mehta reported that when the meeting ended, Professor Legerski asked President DePinho what he was seeing that others were not, and the president “did not give any clear answer.” On December 31, the president provided Professor Mehta with his final decision “to uphold the nonrenewal of appointment action.”

On January 30, 2013, Professor Mehta met again with Dr. Bogler, specifically to learn why his contract was not being renewed. Dr. Bogler, agreeing that Professor Mehta had every right to know the reasons, nevertheless could not provide them, explaining that he had not been involved in the PTC or FAP processes. He did allow Professor Mehta to review his entire dossier, wherein he found nothing negative.

In a last effort to retain Professor Mehta as a full-time faculty member, his new department chair, Professor Varsha Gandhi, and his division head, Dr. Hong, sent a memorandum dated July 17, 2013, to the new provost, Dr. Dmitrovsky, requesting a “1–2 years grace period” so that Professor Mehta could continue his promising research on transglutaminase 2, which had been recently funded by the Bayer Health Care System and which was, they wrote, “at the verge” of receiving additional funding from the National Institutes of Health. The provost declined. Professor Mehta wrote, “That is how my 32-year

research career ended, without knowing the reasons for which I was being penalized.”

Others knew, but not the PTC, the FAP, or the members of the faculty senate and other faculty members who had rallied to assist Professor Mehta in appealing the nonrenewal. Key developments in Professor Mehta’s case during the six-month period from November 2011 to June 2012 occurred without his knowledge; and he was not to learn of them until two and a half years later, after approaching the AAUP for assistance.

As noted earlier, Professor Mehta was copied on the supportive recommendation of Professor Powis and Dr. Hong for the renewal of his contract on September 8, 2011, and Professor Powis congratulated him on November 7 for having received the PTC’s unanimous support. Two days later, on November 9, Professor Powis by e-mail changed his earlier recommendation to President DePinho and Dr. Dubois, copying Dr. Hong but not Professor Mehta. Dr. Powis recommended that the president postpone a final decision on Professor Mehta’s renewal “for one year to determine if Dr. Mehta can turn this around. . . . If not, then I suggest we do not renew his term tenure in our attempt to raise the bar at this institution.” Professor Powis provided reasons for his change of mind: “My concern stems from the institution’s recommendation for renewal of term tenure for a faculty member who is not able to provide the required 40 percent salary support on grants and who does not have a functioning research program.” On June 11, 2012, Professor Powis again changed his recommendation, and again did not copy Professor Mehta. This time, writing to Dr. Dubois and copying Dr. Hong, Professor Powis wrote, “I recommend that Dr. Mehta receive a nonrenewal of appointment notification in June 2012.”¹⁰

MD Anderson’s policy ACA0058 was not followed in the case of Professor Mehta’s application for reappointment renewal in several particulars. Section 2.1.A of that policy lists possible reasons for nonrenewal, none of which addresses Professor Mehta’s circumstances. Professor Powis might perhaps have been described as having *anticipated* future poor performance. Were *current* “inappropriate behavior or poor performance” the cause of the recommendation for nonrenewal, Professor Powis would have been

10. After initially agreeing to be interviewed by the investigating committee, Professor Powis withdrew, saying that he had been advised not to meet with the committee.

required by section 2.1.B to provide documentation “in annual faculty appraisals or interim memoranda to faculty member(s) and/or files.” This was not possible in Professor Mehta’s case because all his annual appraisals had been favorable, and his external funding from grants had consistently met the institutional requirement throughout the period of his appointment. Section 2.1.B also stipulates, “Coaching or development resources may be provided to faculty before a recommendation for nonrenewal of appointment is made.” None had been offered or suggested. Section 2.3.A provides, “The Department Chair meets with the faculty member in person to discuss the reason(s) for nonrenewal of his/her appointment.” There was no such meeting, though Professor Mehta had repeatedly requested the reasons for his nonrenewal.

Another matter related to Professor Mehta’s case was a subject addressed in several of the investigating committee’s interviews with MD Anderson faculty members, some of whom have administrative responsibilities. Faculty members told the investigating committee that department chairs have now been warned (and some have passed the warning on to members of their departments) that the institution will no longer provide supplemental funding to researchers whose grants provide less than 40 percent of their salaries. Such costs must be covered by the department—a change of policy that many suspect is already encouraging chairs to go along with the upper administration’s nonreappointment decisions or even to recommend some researchers for renewal less persuasively than they would have done previously.

Even though his seven-year term appointment expired on August 31, 2013, at the time of the investigating committee’s interviews, Professor Mehta still held a part-time (15 percent) appointment at MD Anderson, finishing articles and fulfilling other commitments with funding from unspent grant monies.

IV. The Case of Professor Zhengxin Wang

Professor Wang, who received his BS and PhD degrees in chemistry and biochemistry, respectively, from Peking University, accepted his first appointment at MD Anderson in 2001 as an assistant professor in the Department of Cancer Biology, after having spent four years on the faculty of Rockefeller University in New York City. In 2007, he was promoted in rank to associate professor and granted “term tenure.” In August 2012, he submitted documentation in support of his application for reappointment to a

second seven-year term to his new department chair, Professor Raghu Kalluri, whom President DePinho had brought from Harvard and appointed as chair in June over the objections of a majority of the department’s faculty.

When the deadline for applications for appointment renewals, August 17, had passed, Professor Wang met with his chair. Professor Wang reports that Professor Kalluri told him that “the standard for tenure renewal is high now because the leadership of the institute had changed and, based on his judgment,” Professor Wang “was not qualified for tenure renewal.” Professor Kalluri said he could not support, and would not submit, Professor Wang’s application for reappointment and urged him to seek a position elsewhere, suggesting that his service at MD Anderson had gone on long enough. The next day Professor Wang contacted the associate vice president for faculty academic affairs, who intervened to ensure that Professor Kalluri would submit Professor Wang’s application, in conformity with MD Anderson policy.

In January 2013, Professor Wang found that Professor Kalluri, in his official appraisal of Professor Wang’s performance for the 2011–12 fiscal year, had given him a rating of “did not meet goals” in research and in “other sponsored activities and other institutional activities (extramural service)” and had made negative comments on Professor Wang’s performance in both areas. On January 25, Professor Wang met with his chair to discuss this negative assessment. He shared with Professor Kalluri the goals he had set for the appraisal period and his achievement of those goals, whereupon Professor Kalluri stated, quoting again from Professor Wang’s account, that “he was convinced that” Professor Wang “had met [his] goals” in the two areas.

By the time of that meeting, Professor Wang told the investigating committee, Professor Kalluri had learned that a majority of the department had voted against his being appointed chair and that Professor Wang had been in the majority. Thus Professor Wang informed the chair that he had applied for transfer to the Department of Urology and suggested that Professor Kalluri’s appraisal might adversely affect his application. On February 14, Professor Wang was pleased to learn that Professor Kalluri had changed his assessment of research (65 percent of effort) to “achieved goals” and deleted some of the negative comments, leaving “did not meet goals” for extramural service (4 percent of effort). On February 19, however, Professor Wang found that Professor Kalluri

had restored his negative assessments and comments in the annual performance evaluation. Professor Wang met with Professor Kalluri on March 13 to discuss this reversal. He says Professor Kalluri informed him that he had done so because he had learned that the Department of Urology had declined to accept Professor Wang's application for transfer, with the result that Professor Wang would have to continue in the Department of Cancer Biology if he were to remain at MD Anderson. The investigating committee reviewed the three successive versions of Professor Kalluri's appraisal of Professor Wang's performance and found Professor Wang's description of the changes accurate.¹¹

After discussing his concerns with Dr. Bogler, Professor Wang filed a complaint with the Division of Human Resources over what he characterized as Professor Kalluri's "mistreatment" of him. The complaint memorandum, dated April 11, alleged "unfair treatment, improper behavior/conduct, and abuse of authority by Dr. Raghu Kalluri." Professor Wang asked about the status of his complaint on April 26 and May 6. On May 31, he discussed his complaint with a human resources officer who on June 3 notified Professor Wang, "As I mentioned during our meeting, I am not minimizing the value of your concerns. They simply do not fall within the scope of disruptive behavior that would result in an investigation by our office. We however determined that your continued concerns on academic related matters, such as your appraisal and questions regarding your tenure renewal, would need to be directed to the Associate Vice President for Academic Affairs." The investigating committee noted that "abuse of authority" fell within "academic related matters" but that Professor Wang was nevertheless being redirected to Dr. Bogler, who had initially suggested the human resources office.

Professor Wang had received notice on April 30, 2013, from the chair of the Promotion and Tenure Committee that it had voted unanimously in favor of his reappointment and had forwarded its recommendation to Interim Provost Buchholz and President DePinho. On May 31, however, he received notice from Dr. Buchholz that his appointment would not be renewed beyond August 31, 2014. "The reasons for the nonrenewal," Dr. Buchholz wrote, "are that your renewal of term tenure was not approved."

The interim provost advised Professor Wang that, under the cancer center's appeal policy, he could seek a review of the decision. That same day Professor Wang sent an e-mail message to Dr. Buchholz requesting a written statement of the reasons that had motivated the decision not to renew his appointment. Dr. Wang told the investigating committee that he never received a response and that he had never been told the reasons for the nonrenewal of his appointment. Institutional policy ACA0058, section 2.3.A, accords the faculty member who is denied reappointment a meeting in person with the chair to discuss the reasons for the nonrenewal. No such mandatory meeting with his chair occurred following the denial of his appointment.

Professor Wang submitted an appeal to interim provost Buchholz on June 18 and sent a follow-up letter on June 28. In early August, while his appeal was pending, he received a "memorandum of appointment," dated August 1 and signed by President DePinho, informing him of his terminal appointment from September 1, 2013, to August 31, 2014, and of the denial of his "renewal of tenure." On August 8, after consulting the MD Anderson ombudsperson, Professor Wang filed a complaint with the Civil Rights Commission of the Texas Workforce Commission alleging discrimination, based on race and national origin, and retaliation (for filing the complaint against Professor Kalluri). By memorandum of August 15, the newly appointed provost, Dr. Dmitrovsky, notified Professor Wang that his appeal was denied and that, "pursuant to the Faculty Appeal Policy," he had five days to ask for a meeting with the president if he wished to pursue the matter further. Professor Wang did not do so. As he told the investigating committee, nothing remained for him of the policy's fifteen steps other than a meeting with the president who had, two weeks earlier, signed his letter of nonreappointment.

Given the absence of reasons for the denial of reappointment and the changes in performance appraisals, the investigating committee could not avoid the inference that Professor Kalluri's desire not to retain Professor Wang in the Department of Cancer Biology had weighed more heavily in President DePinho's decision than annual evaluations, publications, or the assessment of the PTC—more heavily than the fact that Professor Wang had met the requirement that grants must cover 40 percent of salary.

Professor Wang currently has a faculty appointment at Clark Atlanta University.

11. Professor Kalluri, having initially agreed to meet with the investigating committee, withdrew before the committee's arrival.

V. The Case of Professor Gouhui “Gary” Lu

Professor Lu received the MD degree from Sun Yat-sen University of Medical Sciences in Guangzhou, China, in 1982 and a master’s degree in pathology from the Medical University of South Carolina in 1987. He earned certification in clinical cytogenetics from the American Board of Medical Genetics and Genomics in 1996 and was recertified in 2008. Professor Lu left his position as medical director of LabCorp in Irvine, California, to join MD Anderson in 2008 as assistant professor in the Department of Hematopathology. He underwent a successful midterm performance review in 2011.

On March 1, 2012, however, Provost DuBois notified Professor Lu that his appointment would “not be renewed beyond the date of August 31, 2013,” because he had “not obtained a permanent unrestricted Texas medical license within allotted time frames.” This information came as an unwelcome surprise to Professor Lu, who pointed out to the investigating committee that (1) his initial letter of appointment, his annual renewals, and his midterm review had not mentioned such a requirement; (2) his Faculty Temporary License (FTL) had been renewed continually; (3) his chair had told him repeatedly that his FTL would continue to be renewed (the Texas Medical Board places no limit on the number of FTLs a faculty member may have); and (4) in January 2012, he had submitted a plan for obtaining a permanent medical license, which was approved by the executive vice president and physician in chief in February 2012. Without a faculty appointment, Professor Lu would no longer qualify for an FTL. It became apparent, however, that the intent of the March 2012 notification was not discontinuance of his employment at MD Anderson but the discontinuance of his status as a member of the faculty.

Subsequently, Dr. Bogler wrote to say that Professor Lu was to be offered the position of director of the Clinical Cytogenetics Operations, scheduled to begin the day after his faculty appointment expired. Professor Lu told the investigating committee that his department chair had told him not to worry about a permanent license because not only would he, the chair, continue to renew FTLs after Professor Lu’s probationary period expired, but as chair he would also ensure that Professor Lu had time to study for the US Medical Licensing Examination (USMLE). Following receipt of the provost’s March letter, Professor Lu reported, his chair told him he was working on a solution. Since many faculty members in research positions

at MD Anderson have no medical license, Professor Lu stated that he assumed his chair was trying to arrange a different type of faculty appointment for him. He said that such assurances led him to decline two offers of employment elsewhere at higher salaries. Having been successful in both research and teaching, he asserted, he held principled objections to the loss of his faculty status—which had negative implications for his professional standing and licensures.

The investigating committee questioned why a cytogeneticist certified by the American Board of Medical Genetics (ABMG) who was not a practicing physician should be required to obtain a permanent medical license, a requirement that may be unique to MD Anderson.¹² The committee also asked Professor Lu why he had not taken the USMLE earlier. Because more than thirty years had elapsed since the award of his MD degree, he said, a period in which he had worked to perfect his cytogenetics specialization, extensive study for a comprehensive examination would have been necessary—time for which was never made available to him. The economic recession had frozen the hiring of additional personnel, so, as the first qualified cytogeneticist to serve at the cancer center, his caseload was often two and even three times the standard, resulting in extended daily hours with weekend and overnight duty commonly required. His description of laboratory conditions was substantiated by the College of American Pathologists’ issuance of a Phase II Deficiency in September 2013, citing his case overload.

Professor Lu said he grew suspicious of the assurances he had been given when, after his receipt of the letter from Provost DuBois, his chair asked him not to contact higher administrators at MD Anderson. Nevertheless, he did comply with his chair’s request for some months. When Professor Lu’s demotion to a classified position appeared inevitable, in September 2012, Professor Lu began contacting other administrators, complaining of the actions he found arbitrary and violative of his professional rights. Relations with his chair worsened after he consulted the institution’s ombudsperson, among others, and filed an appeal to be heard by the FAP.

12. The uniqueness of this requirement, according to Professor Lu, was acknowledged by the executive director of the ABMG, to whom the professor spoke on October 3, 2012. Contacted by the investigating committee, the ABMG confirmed that statement, with the caveat that an institution can put further requirements on a position description.

As the termination date of his appointment approached in August, Professor Lu accepted the position of director. He told the investigating committee that he was a director in name only, that he was not consulted about the laboratory's priorities or direction, and that he was, in his own words, "a case-review machine." Having been informed that many other faculty members at MD Anderson have no medical license, the investigating committee remains unaware of a reason that would justify converting Professor Lu's faculty position to a classified post.

VI. Shared Governance

Faculty members told the investigating committee that, as their dates for appointment renewal approach, they were likely to toe the line more carefully and look to others to speak up because they feared arbitrary nonrenewal. President DePinho has denied that faculty continuance might be affected by speech critical of the administration, writing to the Association's staff on May 23, 2014, "As an academic institution, we both vigorously support and champion academic freedom and due process. In fact, it is well known that some of the most vocal faculty critics of MD Anderson's administration have had their term appointments renewed many times, as it is our duty to encourage and defend academic freedom." And he asserted that neither Professor Mehta nor Professor Wang had alleged that "their academic freedom [had been] infringed upon." Faculty members described the institution's most serious and demoralizing problems as the result of the faculty's loss of authority—that is, as a governance issue. The DePinho administration's interference with the faculty's ability to affect outcomes in areas in which the faculty traditionally exercises primary responsibility, more than whether opportunities exist for individuals to articulate points of view, is at the heart of the investigating committee's concern with respect to MD Anderson. The focus is not as much on the right of individual faculty members to speak as on the right of faculty collectively to act. At the same time, as the entire faculty serves on renewable seven-year term appointments and as they are aware of a dispiriting record of arbitrary decisions (and willful refusal to follow stated policies), the whole process of faculty governance labors under a pall of *potential* retaliation, creating a poor climate for academic freedom.

Officers of the faculty senate described to the investigating committee a broad-based and highly structured representative faculty senate with frequent

meetings and a large number of functioning committees. The Executive Committee of the Faculty Senate (ECFS) reviews existing and newly proposed policies and determines whether a formal senate review is needed, in which case two reviewers from the ECFS are appointed on the basis of their expertise in the matter and the scope of the policy. Under the current arrangement, however, initiatives that emerge from routine faculty committee work pointing to the need to revamp a policy completely can be, and are routinely, simply dismissed by the administration.

As noted in section II above, President DePinho responded to the negative results of the faculty senate survey reported in October 2012 by establishing in March 2013 a bridging committee, the IFAC, comprising the faculty senate's executive committee and the upper administration ("executive leadership team"), a positive and welcomed presidential action that extended faculty representation. As of this writing, the IFAC is discussing a number of important issues, such as communication and transparency, shared governance, workload and resources, best chair practices, and the loss of faculty voice. The investigating committee hopes that such discussions will lead to academic due-process protections for the faculty through changes to institutional policies, but they have not yet done so.

A centrally important and widely respected committee of appointed faculty members at MD Anderson is the Promotion and Tenure Committee, which "is charged with the primary responsibility of maintaining the academic excellence of the faculty." The investigating committee spoke to faculty members who have served, or are currently serving, on this committee at every level of involvement. All described it as an independent, serious, and impartial body that does its work diligently. Were the PTC not held in such esteem, the investigating committee was told, there would have been no faculty uproar over the president's having disregarded its recommendations. The PTC is not an elected faculty body but one appointed by the Office of Faculty Academic Affairs from suggestions and nominations, including self-nominations, submitted by the faculty. Broad participation across divisions and departments is sought, and, typically, the chair alternates between clinical and research faculty members.

Nevertheless, structures to involve faculty in meaningful decision making and to prevent administrative fiat in the development of policy remain largely ineffective, according to faculty members interviewed by the investigating committee.

The governance issue that led most directly to the Association's involvement at MD Anderson was the faculty senate's attempt—ultimately unsuccessful—to make the process of seven-year appointment renewal more predictable and fair. In November 2013, in response to the cases of Professors Mehta, Wang, and others, the ECFS charged the senate's Promotion and Tenure Issues Committee (the Issues Committee) with investigating allegations that unanimous PTC recommendations for “tenure renewal” were “rejected by the president”; with reviewing whether the “tenure renewal” processes and standards had changed; and with formulating recommendations. The committee consisted of twenty-seven faculty members and was chaired by Dr. Douglas Boyd, a professor in the Department of Cancer Biology.

In preparing its report, issued in February 2014, the committee examined the rate of reappointment denial in cases of unanimous PTC support. In seven review periods (2005 to 2011) the previous president had denied reappointment to two of 260 faculty members who had received unanimous recommendations for renewal from the PTC (0.77 percent), while in two review periods, 2012 and 2013, President DePinho had denied reappointment to three of 130 candidates whom the PTC had unanimously recommended (2.31 percent). The Issues Committee examined the four most recent cases in which the president declined to accept a unanimous PTC recommendation for “tenure renewal.” The committee matched the nonrenewed faculty members by appointment level and discipline with faculty members whose appointments were renewed in the same time frame. A series of matrices were developed for comparisons across the six-year period of each appointment. The result: “In all four comparisons, those not having tenure renewed compared favorably in terms of publication, impact of publications, productivity, funding amount, continuity of funding, teaching, service (study sections, editorial boards, committees), and supportive letters (where required). The 100 percent endorsement by the PTC of these candidates could not be considered surprising.” In May, a synopsis of the report, accompanied by an account of the senate meeting at which it was presented, was published in the *Sentinel* as “Questions Raised by President Not Approving Tenure Renewals.” According to that account, Senior Vice President Bogler had responded on behalf of the administration that it would be inappropriate for the PTC to use a numerical matrix for faculty assessment.

Another serious shortcoming of the reappointment procedures addressed by the “Questions Raised” report was the administration's refusal to provide the PTC with reasons for reversing a unanimous recommendation for reappointment. According to the AAUP's *Statement on Government of Colleges and Universities*, jointly formulated with the American Council on Education and the Association of Governing Boards of Universities and Colleges, “The governing board and president should, on questions of faculty status, as in other matters where the faculty has primary responsibility, concur with the faculty judgment except in rare instances and for compelling reasons which should be stated in detail.” Writing to Professor Boyd on December 17, 2013 (as quoted in the senate report), Dr. Bogler had stated, “It is our practice that the President or Provost comes to the PTC to discuss situations where there is disagreement, and in the course of these discussions reasons for the decisions are mentioned. However these reasons are not captured in writing, and the deliberations are not made available to the faculty member or [his or her] chair.”

Further, according to the report, and confirmed to the investigating committee, written reasons for nonreappointment are not normally provided even to the faculty member denied reappointment, seriously impeding the ability of the applicant to pursue professional development or to structure an appropriate case for appeal. Institutional policy provides that the chair meet in person with the faculty member who has been denied reappointment to discuss the reasons for the nonrenewal, but that rule is not regularly honored.

The report also criticized the appeal process available to nonreappointed faculty members: “In its present construct, the current, totally internal, appeals process, is closely aligned with the President's office. In fact, the appeal is directed to the President who made the decision not to renew in the first place.” The inherent conflict of interest in the appeal process may comport with practices in industry, but not in higher education.

The report made recommendations, not wholly consistent with AAUP-recommended standards, that the administration of MD Anderson declined to accept: (1) candidates receiving unanimous approval at PTC level should receive reappointment; (2) presidential rejections of candidates approved by a majority of the PTC should be “contingent on demonstrations of inferior metrics (compared with faculty members approved in the corresponding cycle)”; (3) candidates approved

by a majority of the PTC and denied retention by the president should receive detailed, written reasons, including “metrics,” for the denials; and (4) appeals of nonreappointment should be submitted to faculty panels outside MD Anderson. The current situation, the authors wrote in conclusion, is destructive to morale: “not renewing tenure for faculty who had done all that could be expected of them destroys hope.”

Under AAUP-supported standards, full-time faculty members who have exceeded the maximum probationary period of seven years must be afforded procedural protections before their appointments are terminated. The basic elements of those protections are an adjudicative hearing of record before a duly constituted faculty body in which the burden of demonstrating adequate cause for dismissal rests with the administration.

Clearly, faculty members at MD Anderson view their proper role in the governance of the institution as including the fair adjudication of appointment renewals. They argue that the administration exceeds its authority—though not its power—by disregarding the unanimous recommendations of the PTC and by failing to justify its decisions to the PTC or even to the candidates for reappointment. Regarding the faculty’s role in faculty personnel matters, the *Statement on Government* asserts:

Faculty status and related matters are primarily a faculty responsibility; this area includes appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal. The primary responsibility of the faculty for such matters is based upon the fact that its judgment is central to general educational policy. Furthermore, scholars in a particular field or activity have the chief competence for judging the work of their colleagues; in such competence it is implicit that responsibility exists for both adverse and favorable judgments. Likewise, there is the more general competence of experienced faculty personnel committees having a broader charge. Determinations in these matters should first be by faculty action through established procedures, reviewed by the chief academic officers with the concurrence of the board. The governing board and president should, on questions of faculty status, as in other matters where the faculty has primary responsibility, concur with the faculty judgment except in rare instances and for compelling reasons which should be stated in detail.

University of Texas system executive vice chancellor for health affairs Raymond Greenberg cautioned the investigating committee that the data discussed in the “Questions Raised” report should be seen in a wider context that includes MD Anderson’s faculty turnover rate, the second lowest in the University of Texas system. He advised the committee to talk to the MD Anderson administration, to write to the Office of Faculty Academic Affairs requesting answers to written questions, and to make recommendations about good practice and procedure.

The local administration in Houston was unwilling to talk, but the investigating committee followed the vice chancellor’s other advice, requesting from Senior Vice President Bogler and Provost Dmitrovsky data for a ten-year period that would answer the faculty’s pressing concerns: to what extent could nonrenewals be correlated with the percentage of grant support overall and, at the time of appointment renewal, with age; with favorable or unfavorable PTC votes; and with chair and division head recommendations.¹³ The investigating committee asked also for the annual percentage of nonreappointment appeals and their outcome. Further, to see renewals in the light of the overall faculty employment picture, the committee identified the variables that would assist it: “new hires; retirements; voluntary separations during active contracts; dismissals for cause; faculty retained and not retained at expiry of contract; deferrals (and their subsequent disposition).” For guidance, the committee also sent the faculty senate’s executive committee the Association’s *Recommended Institutional Regulations on Academic Freedom and Tenure* and offered to consult in any way the ECFS might find helpful in the following months.

The administration supplied useful data in two tables: PTC Actions (FY05–FY13) and Term Tenure Renewal Outcome (FY05–14).¹⁴ A simple table of deferrals (FY05–FY14) had already been provided during the committee’s site visit. Percentage approvals of promotions, initial awards of tenure, and new

13. With respect to age, executive chief of staff Dan Fontaine replied to the committee, “The investigative committee should be aware that it would be highly inappropriate for MD Anderson, or any other leadership of an academic institution, to consider or compile certain requested data, such as the age of faculty members, in conjunction with hiring, retention, retirement, appointments, or other employment actions. Accordingly, MD Anderson does not compile (nor should it) such data.”

14. The administration provided no information about grant support, age, chair and division head recommendations, or appeals. The committee nevertheless hopes that the administration will pursue the concerns raised by the faculty.

appointments are comparable to the nine-year averages for those categories. Only the “tenure renewal” category posed problems: Vice President Bogler clarified an initial appearance of incommensurability among the three tables and with the president’s letter of May 23 when the committee appealed to him for assistance in navigating the sources. He explained that the renewal outcome table is a snapshot, while the other two tables show complete information for each fiscal year. Thus, deferrals listed in the renewal table—shown along with retirements and resignations under “actions with no president’s decision”—migrate to permanent positions only later, when settled. Since deferrals, resignations, and retirements are combined into a single number, the figure given obscures the impact of a central complaint of the faculty—that the president’s deferral decisions sidestep PTC action and conceal the number of faculty constructively dismissed (see section VIII below).

The University of Texas system was on the verge of conducting its own survey of MD Anderson faculty in September 2014, when the investigating committee was visiting the cancer center. The results of that survey appeared on November 3. Of 1,578 faculty at that time, 966 responded to the survey, 8 percent of whom were administrators; participants were asked to consider the previous six months. Vice Chancellor Greenberg stated in his cover letter, “While there are some areas of perceived progress over the past year, there are areas that continue to be opportunities for improvement.” The survey included some questions comparable to those reported in the background section above. In the latest poll, a mere 14 percent of faculty agreed that “overall morale has improved as a result of recent changes by Executive Leadership”; only 39 percent of clinical faculty were satisfied with “progress or improvements” in patient safety; only 28 percent of research faculty were satisfied with the “administration’s strategic agenda for research”; and only 20 percent were satisfied with the integration of existing faculty with new initiatives. The survey also asked an important question about shared governance: only 23 percent agreed that “Executive Leadership is open to faculty ideas and recommendations.”¹⁵

VII. The Association’s Involvement

In April 2014, Professor Henry Reichman, chair of Committee A on Academic Freedom and Tenure and

AAUP first vice president, received a message from Professor Boyd, who had previously discussed his concerns with AAUP president Rudy Fichtenbaum. Professor Boyd asked for a formal investigation into President DePinho’s denial of reappointment to several faculty members after they had received unanimous votes for retention from the faculty Promotion and Tenure Committee. Professor Reichman had some familiarity with the issues at MD Anderson, having been interviewed at length for an extensive article about the nonrenewals that appeared in the April 25 issue of the *Cancer Letter*, and he forwarded Professor Boyd’s message to Committee A’s staff.

In responding to Professor Boyd, the staff urged him to have the affected faculty members send their detailed accounts and supporting documents to the Association’s national office. Professors Mehta and Wang promptly did so. After reviewing their materials and what Professor Boyd had already sent, the staff wrote to President DePinho on May 13, 2014, to convey the Association’s concerns in the two cases.

With respect to Professor Mehta, the staff recounted its understanding that the president had declined to renew his seven-year term appointment for a fourth time, even though Professor Mehta had received favorable recommendations from his department and the Promotion and Tenure Committee; that he had received no written reasons for the decision, despite having repeatedly asked for them; and that the administration refused to reconsider its decision even though a faculty grievance committee had sustained his appeal. With respect to Professor Wang, the staff stated its understanding that he had received notice of nonrenewal of his seven-year term appointment, despite a unanimous recommendation for reappointment from the PTC; that the only appeal he was permitted to make was to the same administrative officer who had notified him of nonreappointment; and that his repeated requests for a meaningful statement of the reasons for the decision had been ignored.

After summarizing the applicable AAUP-supported principles and standards, the staff wrote that the Association was “deeply troubled by the quantity and severity of the departures” in these cases from those principles and standards. “Of primary concern,” the staff added, was the existence of what was locally called “term tenure” in place of a system of indefinite tenure, as adopted by the preponderance of academic institutions.

The staff pointed out that the AAUP regards all full-time faculty members, regardless of how their

15. A standard Likert scale was used, so, for example, the category “agreed” includes those who agreed strongly.

institutions classify them and excepting only those with appointments limited at the outset to a brief duration, as serving either on appointments that are probationary for tenure or on appointments with continuous tenure. The Association, the staff added, therefore calls on institutions to afford the due-process protections of tenure to full-time faculty members whose length of service has exceeded the seven-year maximum period of probation. “Clearly,” the staff wrote, “Professors Mehta and Wang have served well beyond what the academic community at large would consider a reasonable period of apprenticeship. As a result, under normative standards, their appointments are terminable only for cause” as demonstrated in an adjudicative hearing of record before a body of faculty peers, with the burden of proof resting with the administration.

The staff’s letter also pointed out that, even if their service had “been confined to a single renewable term, Professor Mehta and Professor Wang would have been entitled to a written statement of reasons upon nonreappointment, which neither of them received, and to the opportunity for faculty review through an appropriate grievance process.” The letter closed with the staff’s urging rescission of the notifications to the two professors and their reinstatement to their full-time appointments.

Responding by letter of May 23, President DePinho pointed out that while seven-year term appointments had been in place at MD Anderson for decades, “the overwhelming number” of such appointments have been renewed, “often on multiple occasions.”

The president went on to say, “As an academic institution, we both vigorously support and champion academic freedom and due process.” He asserted that seven-year term appointments both protected academic freedom and helped maintain “the highest level of excellence and accountability.” He stated that, given the relatively low rate of nonrenewal and the typical consistency between faculty recommendations and the administration’s final decisions, “any suggestion that our faculty are at risk for non-renewal of their appointment for capricious purposes is simply not supported by the facts.” With respect to the Association’s other concerns, he wrote that both professors had received written reasons for their nonreappointment, related to the institutional requirement that faculty members must supply 40 percent of their salaries from external grants, and that Professor Wang failed to “exhaust all internal due process steps available to him.”

Asked by the staff for their comments on what the president had written, Professors Mehta, Wang, and Boyd sharply disputed the president’s assertions that a lack of external funding was the basis for the nonreappointments, that written reasons had been provided, and that Professor Wang had failed to exhaust the appeal process.

As was noted in section III of this report, Professor Mehta in his communication with the staff had made no reference to negative recommendations from his department chair and division head, nor did he send the staff any documents from either party that made such a recommendation. In his May 23 letter, President DePinho, however, had referenced a negative recommendation from department chair Powis. In his comments to the staff about the president’s letter, Professor Mehta wrote, “I am not aware of any such statement by the Chair. In fact, he strongly recommended renewal of my term tenure appointment. . . . Also, as stated by the Faculty Appeal Panel, my annual evaluations by the department chair/division head were favorable all through [the] previous six years.” Having also received a copy of the administration’s May 23 letter, Professor Boyd in a June 20 message to the administration stated, “I have been UNABLE to locate the ‘recommendation for the NON-renewal of your appointment’ letter written by Dr. Powis, Department Chair for Kapil Mehta, that you cited in your response (May 23, 2014) to AAUP.” In a June 23 response to Professor Boyd, Dr. Bogler attached the letters written by Professor Powis on November 9, 2011, and June 11, 2012. As noted earlier in this report, Professor Mehta had not seen them previously.

In a July 15 letter addressed to President DePinho and Chancellor Cigarroa, the AAUP’s staff reminded them that the AAUP’s initial letter had urged rescission of the notices of nonreappointment issued to Professors Mehta and Wang and their immediate reinstatement, and had cautioned that the Association’s “further course of action . . . will depend on” the administration’s response. The staff went on to announce that the AAUP’s executive director had authorized an investigation of the two cases.

July 31 brought a lengthy response by e-mail from the administration in the form of some thirty questions addressing, for the most part, the AAUP’s authority to investigate these cases and its ability to conduct a fair investigation. The letter was signed by executive chief of staff R. Dan Fontaine, Esq., whom, the letter stated, President DePinho had appointed to serve in “a coordinating role for further communications”

between MD Anderson and the AAUP. In closing, the letter asked for “prompt, candid, and direct answers” to enable the MD Anderson administration to “determine the appropriate course of action” in response to the Association’s July 15 letter.

On August 1, the AAUP’s staff sent a brief reply to Mr. Fontaine, with copies to those whom he had copied, stating that, given the “seriousness and thoroughness” of its “many detailed questions,” the staff would need some time to formulate an adequate response. The staff also asked for his assistance in determining whether the investigating committee should plan on visiting both Houston and Austin, where the UT system offices are located.

Mr. Fontaine did not reply to this message. Dr. Greenberg, the UT system’s executive vice chancellor for health affairs, however, responded that the system leadership (he himself and the system’s general counsel) would leave it to the AAUP to decide about the potential usefulness of a visit to the UT system offices in Austin. “If there is a desire to meet with UT System representatives,” he wrote, “we would be happy to do so, either telephonically or in person.”

The AAUP’s staff responded on August 25 to chief of staff Fontaine’s July 31 interrogatories, stating the “hope and expectation” that the staff’s response would “contribute to mutual understanding of our respective positions.” Although most of the chief of staff’s questions did not relate specifically to MD Anderson, one was whether the cancer center had ever agreed that its tenure procedures would comply with the 1940 *Statement of Principles on Academic Freedom and Tenure*. The staff wrote that “the Coordinating Board of the Texas College and University System adopted unanimously in October 1967 the ‘Statement on Academic Freedom, Tenure, and Responsibility for Faculty Members in Texas Public Colleges and Universities,’ which closely tracks the 1940 *Statement*.” Later that same day, the staff sent an additional letter to the MD Anderson administration announcing the dates of the investigating committee’s visit, providing the names of the members of the committee, and inviting the administration to meet with the committee during a time of the administration’s choosing.

Responding by letter of August 29, chief of staff Fontaine stated that “the AAUP’s incomplete answers” to the questions posed in his July 31 letter “as well as numerous admissions in the answers provided, have raised additional concerns” regarding the “validity” of the investigation. After detailing those concerns, Mr.

Fontaine enumerated various privileges afforded MD Anderson faculty which, he stated, made it unsurprising that the MD Anderson faculty-retention rate of 94 percent was among the highest in the UT system. “Moreover,” he wrote, “those who are familiar with our institution know that we not only embrace academic freedom; we thrive on discovery, discussion, and dissent in our pursuit of knowledge that will help us achieve our mission of reducing the cancer burden.”

Mr. Fontaine concluded with “three final questions” that he and his administration colleagues at MD Anderson would need to have answered “directly and honestly” prior to their determining “the extent of [their] participation in the AAUP’s proposed process”:

1. Can the AAUP cite a single instance where it has found favor with any tenure or appointment system that does not comport with its definition of “indefinite tenure”?
2. Given our term appointment system, isn’t the only realistic outcome of this process censure by the AAUP?
3. Given the only realistic outcome of this process, do you intend to also censure every other American university whose appointment system does not comport with the AAUP’s definition of “indefinite tenure”?

In a letter sent later the same day, the AAUP’s staff responded as follows:

1. The AAUP has not “found favor” with a system of academic appointment that does not grant “indefinite” tenure. There are, however, some institutions that grant multi-term appointments but, before denying reappointment after a period of six or seven years, demonstrate adequacy of cause in a hearing before faculty peers. We see such a system as being in essential accordance with indefinite tenure.
2. With respect to your appointment system and its inconsistency with AAUP-supported standards, censure does not necessarily follow. The resolution of the actions against the professors who sought our assistance might well avoid imposition of censure.
3. We trust that this question is rhetorical. We obviously have no intention of censuring the administration of every university with policies at variance with our recommended standards.

On September 16, the MD Anderson administration, through Mr. Fontaine, stated that it would not

meet with the AAUP committee but offered to respond to written questions not previously answered excluding those pertaining to “personnel matters that may be the subject of litigation or other legal or regulatory processes.” On September 17, over President DePinho’s signature, the full faculty received the administration’s account of the investigating committee’s expected campus visit. The executive committee of the faculty senate then replied to the full faculty.

These last-minute communications, sent while the investigating committee was in transit to Houston, sowed some confusion. On the one hand, faculty members who had not read the president’s letter assumed that the investigating committee would have the administration’s full cooperation. They suggested questions the committee might ask various committee chairs, Dr. Bogler, and the president when meeting with them. On the other hand, even some otherwise well-informed faculty members had been misled by the president’s letter or campus rumor, so the investigating committee repeatedly needed to explain that the AAUP has been conducting investigations for one hundred years; that the current investigators were not outsiders but fellow faculty members—three of the four from medical faculties—who are volunteers; that the investigating committee had neither the authority nor the desire to censure; and that, on the contrary, the committee was willing to work with the faculty, the administration, and the University of Texas system generally to prevent the possibility of censure.

The investigating committee visited the MD Anderson campus from September 17 to 20, 2014, and interviewed members and former members of the faculty all day on September 18 and 19. The committee continued to gather information in the months immediately after its visit.

VIII. Issues of Concern

Summarized here are what appear to this investigating committee to be the central issues—as determined from its interviews and follow-up questions, together with information available to the Association, and as related to the joint 1940 *Statement of Principles on Academic Freedom and Tenure* and derivative Association-supported principles and procedural standards.

A. Academic Freedom and Contractual Appointments

The Association’s fundamental argument for the value of academic freedom and indefinite tenure is set forth in the 1940 *Statement of Principles*:

Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition.

Academic freedom is essential to these purposes and applies both to teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and the student to freedom in learning. . . .

Tenure is a means to certain ends; specifically: (1) freedom of teaching and research and of extramural activities, and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.

As has been noted, the board of regents of the University of Texas system exempts the MD Anderson Cancer Center from its tenure policy, authorizing it instead to offer seven-year renewable term appointments. Moreover, the MD Anderson administration has asserted in its responses to the AAUP that its system of term appointments serves its mission well while protecting academic freedom. In his May 23 response, President DePinho wrote, “[A]s a publicly supported comprehensive cancer center, we have a responsibility to our patients and to the public that our faculty and staff maintain the highest level of excellence and accountability. This is why we strongly believe the longstanding term appointment system at MD Anderson serves to balance these two crucial needs while providing a high level of long-term career security to our term-appointed faculty, as evidenced by the average renewal rate [92 percent] stated above.” Chief of staff Fontaine pursued the theme of balance in his July 31 letter to the staff, writing that the term-appointment system at MD Anderson “was structured to achieve a reasonable balance between (1) the academic interests of an institution that has as its sole mission the elimination of human suffering from cancer and (2) the required accountability in patient care, research, education, and prevention for that sole mission that our patients and public deserve.”

President DePinho offers the cancer center’s average appointment renewal rate of 92 percent for fiscal years 2011 to 2013 as confirmation that the faculty

has adequate job security. As Senior Vice President Bogler's explanation implies, however, the quoted rate includes five deferrals (five faculty members who received notice of end dates of employment, but whose nonrenewals could still be rescinded). The investigating committee thus calculates the actual renewal rate as 88 percent for 2011 to 2013. Further, the renewal rate given by the president for fiscal years 2012 and 2013 is 86 percent (with two deferrals). To the faculty, having a better than one-in-ten chance of losing one's livelihood—even after having met all the requirements for continuation and having earned the support of the Promotion and Tenure Committee—is more than a little threatening.

The Association has long held that the protections of academic due process promote the common good by attracting men and women of high caliber who aim for the greatest achievements of which they are capable, without fear or favor. The academic profession is less lucrative than many others, but one of its attractions is that—following a lengthy period of apprenticeship, rigorous testing, and substantial institutional investment—one may achieve sufficient employment security to sustain one's higher aspirations. The prospect of losing one's appointment, and with it one's livelihood, can incline a researcher to aim low, to accept fundable, predictable results rather than to pursue less certain or longer-term research that might be ever so much more promising. There is an irony in shooting for the moon while basic science progresses slowly and safely at the pace set by an insecure funding network.

MD Anderson does not reduce a researcher's salary during the seven-year period of his or her appointment and does not renew appointments *subject* to a reduced salary—but the new expectation that each department, rather than the central administration, will have to compensate researchers who fail to obtain the minimum of 40 percent of their annual base salary from extramural grants and contracts seems to faculty members to be looming on the horizon. The investigating committee acknowledges that the faculty of MD Anderson may have been content with renewable term appointments in the past, when they judged the renewal system to be implemented fairly, but confidence has eroded steeply in recent years. The investigating committee heard arguments that innovation and creativity at MD Anderson, essential to scientific research, have been stifled. The cancer center's shift from investigator-initiated basic research to drug development under President DePinho, some faculty

members said, motivated the effort to cast off existing MD Anderson faculty members while making room for Harvard expatriates.¹⁶ Some senior faculty members described the shift to commercialization away from basic research as “shocking” and “obscene.”

B. Consistency of Standards for Appointment Renewal and Promotion

The MD Anderson administration has consistently maintained that the standards for appointment renewal have not changed under the current administration: there is no higher standard now in effect. The institution's internal *Faculty Notes* featured “Insider Tips for Faculty Promotions” in its October–November 2013 issue. Interviewed for the article, provost and executive vice president Dmitrovsky insisted, “In our charge to both committees this year, Dr. DePinho and I reinforced that the criteria have not changed and stated our desire to support the committees and their work.”¹⁷ Professor Eric M. Sturgis, chair of the Senate Promotion and Tenure Issues Committee from 2012 to 2014, concurred: “The policies and guidelines haven't changed since Dr. DePinho became president. The committee members carefully follow the policies, and though some interpretation is a part of the process, we've provided recommendations independent of any outside influence and have been consistent in our application of institutional guidelines/policies.” And President DePinho agreed as well, “I have not felt the need to change any of the policies.”

As noted earlier in this report, however, Professor Mehta's chair had referred in 2011 to “our attempt to raise the bar at this institution”; Professor Wang reported that his chair told him in 2012 that “the standard for tenure renewal is high now because the leadership of the institute has been changed”; and President DePinho remarked in September 2012 that he had already asked department heads “for an increase in volume activity ranging from five to ten percent.” Faculty members who met with the investigating committee confirmed the higher expectations from their own chairs' comments. A former division head, however, told the committee that the administration had never pressured him over renewal decisions.

16. Between fiscal year 2005 and fiscal year 2011, MD Anderson averaged twenty-four new appointments per year. In fiscal years 2012 and 2013, the average was sixty-two per year.

17. It is the PTC—which considers all applications for appointment renewal—that features most prominently in this investigation, but the other committee mentioned is the Clinical Faculty Review Committee.

Both views may be partially right. If reappointment decisions are not originating unilaterally from within the administration itself, which is a possibility the investigating committee cannot exclude, an institutional factor contributing to the ambiguity may be the two distinct lines of reporting to the president about each candidate for renewal. On the face of it, the president appears to favor reports from chairs and division heads over those processed through the PTC, even though the former may be, as in Professor Mehta's case, communicated in secret. As the faculty senate has complained, the PTC, and thus shared governance, is being undermined in the process. There is evidence of inconsistency in two institutional policies, ACA0024 and ACA0058. The former, the purpose of which is to establish eligibility and process for appointment award and renewal, is unexceptionable: a range of possible chair recommendations, PTC review, and presidential decision. The latter document, devoted to the process of nonrenewal of appointments, makes no mention of the PTC: the chair recommends nonrenewal in writing to the provost, including reasons and documentation, at least thirty days before the statutory notification of the faculty member is due. Why those reasons are not routinely communicated to the faculty members whose appointments are not renewed remains a mystery. They are required by the policy and, without them, the basis for one's appeal is necessarily speculative.

Although the investigating committee requested data correlating chair and division head recommendations with the president's decisions, much as the Senate Promotion and Tenure Issues Committee had correlated PTC recommendations with those decisions, that information was not forthcoming. Mr. Fontaine was silent about the reason the information could not or would not be supplied.

President DePinho, commenting in his May 23 letter on the reasons for Professor Mehta's nonreappointment, referred to "MD Anderson's policy on salary support," which, he stated, "requires" that "40 percent of salary support come from extramural grants for faculty members whose primary responsibility is scientific research." The obvious implication is that a faculty member who does not bring in at least 40 percent of his or her salary from outside sources may suffer nonreappointment. The institution's "term-tenure" policy enumerates the following criteria for renewal of a seven-year appointment: "Renewal of term tenure: (A) Recognizes continuing substantial academic productivity in the areas of research, patient care, prevention, education, and service during the

most recent period of term tenure; (B) Recognizes continued collegial and collaborative contributions to group activities; and (C) Reasserts the dual commitment and responsibility of the individual faculty member and the institution to each other." For the policy on outside funding, one must look elsewhere, specifically, "Salary Support on Research Grants," ACA0008. It states that "all faculty members at the level of Assistant Professor and above, who spend 75 percent or more of their time on basic, translational, or population-based research, [must] obtain at least 40 percent of their annual base salary from extramural grants and contracts." Under "Annual Review," the policy states, further, "The inability or unwillingness to obtain extramural funds to support one's salary will be reflected in performance evaluations, merit raises, space allocations, opportunities for career advancement, and tenure considerations, and may influence the cash component of the annual Supplemental Annuity Program (SAP) payment."

Although the investigating committee requested data correlating level of grant support (overall and at the time of renewal) to the president's decisions, that information was not provided, and Mr. Fontaine did not say why.

Clinicians, many of whom have one-year appointments and hope to be promoted to eligibility for seven-year appointments, told the investigating committee that the same kinds of issues occur in promotion denials as in nonrenewal decisions—no reasons given as guidance for how to improve and apply successfully in a subsequent year, no support, and no transparency in the recommendation process—resulting in the increasing perception that there is no integrity in the system. "There's no mechanism for challenging the hierarchical structure," one faculty member said. "I have ideas; I want to contribute to research, but I can't move up if I'm in surgery 90 percent of the time." Another clinician who had been denied promotion despite PTC approval said that retaliation is rife, even for those who do not ultimately lose their jobs. Furthermore, "there's no remediation; there's a conflict of interest if the same person who makes the decision decides the appeal." The organizational hierarchy was variously characterized as "totalitarian" or "top-down."

C. Deferrals as Disguised Dismissals

The investigating committee noted that President DePinho has increased the use of a deferral provision of the "term-tenure" policy whereby faculty appoint-

ments are not renewed but postponed for one year and then returned to the president, not the PTC, for final adjudication.¹⁸ Deferrals, which differ from “extensions” under the policy, camouflage the actual number of denials and presidential disagreements with the decisions of the PTC.¹⁹ For example, the renewal outcome table mentioned above shows that in fiscal year 2014, when there were thirty-seven renewal applications, the president agreed with the PTC’s thirty approvals and with its three disapprovals, so presidential disagreements are listed as zero. But there are four cases of deferral, three of which had been favorably recommended by the PTC (given on the deferrals table). Another way to look at the numbers is that the president reappointed thirty of thirty-seven applicants, or 81 percent. Thus a faculty member’s one-in-ten chance of losing a career looks more like one-in-five.

A central allegation of current and former faculty members, both clinicians and researchers, is that arbitrary dismissal is being perpetrated under auspices other than explicit nonrenewal. Concerned that the disclosure of details of their cases might prompt retaliation or worsen their prospects for appointment renewal, interviewees whose renewal decisions had been deferred told the investigating committee that deferral notices include no reasons, leaving the affected faculty members vulnerable to presidential nonrenewal in the following year. “Deferrals are recommendations to find another job,” the investigating committee was told. “Otherwise the president would specify what needs correction.” Evidence was provided to the committee of faculty members with unblemished performance appraisals, grant income consistently far above the 40 percent level, and PTC approval who nevertheless received deferrals. Either the administration is making the nonrenewal decisions itself, or it is accepting chair and division head recommendations over those of the PTC. In either case, there is a remarkable lack of transparency in the process.

It may be helpful to appreciate the extent to which “recommend” and “request” are terms of art

in the regulations of the cancer center. Buried in a footnote to the fifth bullet point of section 4.2.A of ACA0024 is a provision that when a department chair recommends a one-year deferral of the renewal decision, “this *recommendation* must also include a *request* for terminal appointment” (emphases added). The provision allows the administration to provide terminal-year notification to the faculty member and then to rescind it if, after a year and without further PTC review, the president decides to renew the appointment. In short, faculty members who receive deferrals also receive terminal-year notifications. This skews the official appointment-renewal data because someone who receives a deferral and then takes a position elsewhere, or retires, is counted among voluntary separations.

D. Affordance of Academic Due Process

Matters of additional concern to the investigating committee are the appropriateness, when measured against AAUP-recommended procedural standards, of the procedures afforded Professors Mehta and Wang upon the termination of their services; the consistency with MD Anderson’s own rules of the procedures followed in their cases; and the adequacy of the due-process protections, as incorporated into institutional regulations, afforded faculty members generally at MD Anderson.

Regulation 1b of the AAUP’s *Recommended Institutional Regulations on Academic Freedom and Tenure* provides as follows: “With the exception of special appointments clearly limited to a brief association with the institution, and reappointments of retired faculty members on special occasions, all full-time faculty appointments are of two kinds: (1) probationary appointments; (2) appointments with continuous tenure.” The 1940 *Statement of Principles* provides that “[a]fter the expiration of a probationary period, teachers or investigators should 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.” The maximum length of the probationary period, under the 1940 *Statement*, is seven years. The AAUP therefore considers faculty members whose length of full-time service has exceeded seven years (regardless of whether their institutions have designated their appointments as tenured) as being eligible for the academic due-process protections of tenure, as set forth in the joint 1958 *Statement on Procedural Standards*

18. Although the policy says “one year,” there is evidence that it sometimes takes two years for a deferral decision to be final (for example, deferrals for both fiscal year 2013 and fiscal year 2014 are pending).

19. Extensions are granted under the policy, some requiring executive approval, for a range of personal and professional reasons (for example, disability, birth, exceptional administrative duties). Renewal applications that include such ordinary extensions, however, are reviewed by the PTC.

in *Faculty Dismissal Proceedings* and, more elaborately, in the derivative Regulations 5 and 6 of the *Recommended Institutional Regulations*. Thus, when an administration wishes to release full-time faculty members after a total of seven years of service has been exceeded, it cannot do so simply by declining to renew their appointments. Under AAUP-supported standards, it must afford them procedural protections, the basic elements of which are an adjudicative hearing of record before a duly constituted faculty body in which the burden of demonstrating adequate cause for dismissal, based on clear and convincing evidence in the record considered as a whole, rests with the administration.

Under these normative academic standards, Professors Mehta and Wang were tenured members of the faculty and thus subject to dismissal only for demonstrated cause; that is, they were entitled to academic due process, which they did not receive. MD Anderson has an institutional policy, "Termination of Employment of a Faculty Member," that applies to dismissals for cause within a term of appointment. This policy should have been applied in the two cases. Both would then have been afforded procedural safeguards approximating those set forth in the 1958 *Statement on Procedural Standards*.

Full-time faculty members with fewer than seven years of service who are separated from service through denial of reappointment are entitled, under AAUP standards but not under MD Anderson policies, to a statement of the reasons for the decision and the opportunity to contest the decision before a duly-constituted faculty body if they allege that the decision was the result of inadequate consideration or was based significantly on considerations that violated their academic freedom or official regulations or policies forbidding discrimination.

With respect to providing reasons for a nonreappointment decision, MD Anderson's institutional policy covers "full- and part-time faculty at all academic ranks" and specifies that once the provost makes a decision not to renew an appointment in accordance with the recommendation of the department chair, the chair "meets with the faculty member in person to discuss the reason(s) for nonrenewal of his/her appointment." Following this meeting, the faculty member receives written notice of nonrenewal from the Office of Academic and Visa Administration and the Office of Faculty Academic Affairs. The policy is vague regarding the provision of written reasons to the faculty member: "Nonrenewal of a

faculty appointment will be with notification, reasons provided, and in accordance with policy and procedure. Notification of Non-renewal of Appointment: Written notice given by the Provost and Executive Vice President (PRO/EVP) or his/her designee to a faculty member within a specified timeframe (see Section 1.0, Notification of Non-Renewal of Faculty Appointment) notifying the faculty member that his/her faculty appointment will not be renewed at the end of a stated appointment period and briefly stating reason(s) reappointment will not occur." The policy also provides (2.2) that a chair who recommends against reappointment will furnish reasons and documentation of those reasons. In the Mehta and Wang cases, both professors have stated that they did not receive written statements of the reasons for the administration's decision not to retain them. As noted earlier, their initial notices of nonrenewal both contained the patently circular assertion that the reason for nonrenewal was that the renewal of term tenure was not approved.

Before writing its initial letter to the administration, the AAUP's staff checked with Professors Mehta and Wang to confirm that they had not received written reasons. In response to the question "Have you received any kind of statement from the president or any other administration official specifying the reasons for the decision not to renew your appointment?" Professor Mehta replied, "Absolutely not." To the question "Is it correct that you have not received any written statement explaining the basis of the administration's decision not to renew your appointment?" Professor Wang wrote, "Yes. . . . I have not been able to receive any written statement explaining the basis of the administration's decision not to renew [my] appointment from anybody in the institute."

Sharply contesting the statement in the staff's May 13, 2014, letter that neither professor had received a written statement of reasons, President DePinho wrote, in his May 23 response, "Contrary to the assertion that no written explanation for non-renewal was provided to Dr. Mehta, the pertinent records demonstrate that Dr. Thomas Buchholz, Provost and Executive Vice President, ad interim, reviewed and considered Dr. Mehta's appeal and advised him of specific reasons for the non-renewal in writing on two separate occasions." He refers to the October 11, 2012, letter and to a November 20, 2012, memorandum, also from Provost Buchholz, informing Professor Mehta of the final disposition of his appeal. According to President DePinho, in that second memorandum (which neither the staff nor the investigating committee nor Professor Mehta

had seen), Provost Buchholz wrote, “Your current lack of peer review funding makes the achievement of near-term scientific goals difficult.” Senior Vice President Bogler did not include the memorandum with the correspondence he supplied in response to Professor Boyd’s inquiries, though he included other items never before seen by Professor Mehta.

With respect to Professor Wang, the president wrote that the professor had “either discontinued or abandoned his appeal before exhausting all steps of the faculty appeal process.” As a result, he did not receive “a written explanation concerning any final determination. Because of Dr. Wang’s instigation of an external legal process [presumably, the complaint filed with the Texas Workforce Commission] prior to exhausting the internal MD Anderson processes made available to him, we are now unable to comment further about his nonrenewal. However, we can state with confidence that written information available to Dr. Wang was more than adequate to apprise him of the basis of non-renewal, despite his failure to exhaust all internal due-process steps available to him.”

The president appears to be asserting that applicants are *entitled* to know the reasons for their nonrenewals only *after* they have exhausted “all internal due-process steps available.” Such a claim undercuts the appeal process.

The investigating committee discussed information available to the two professors from which the administration might have expected them to infer the reasons for their nonrenewal. Professor Mehta had received an October 11, 2012, letter (quoted earlier in this report) from Dr. Buchholz, the interim provost, stating that the Faculty Appeal Panel in its review of his appeal had “acknowledged [his] lack of external funding” and referred to Professor Mehta’s “current lack of expected external funding,” which was the first negative remark the professor had seen. Even if Dr. Buchholz’s October 11 letter had accurately represented the position of the panel, which it did not, the investigating committee notes that a faculty member’s finally receiving reasons only at the point of an *ad hoc review* of an *appeal* of a *denial* is manifestly unacceptable, especially because those reasons, authored by department chair Powis, had been in the hands of the administration all along.

Professor Wang received performance evaluations from his chair in 2012 and 2013 (for fiscal years 2011 and 2012, respectively). The former, conducted by the previous chair, noted that Professor Wang had “achieved goals” in all four areas of assessment

but added the overall comment that Professor Wang had “so far . . . not met the payline.” Since Professor Wang then increased his grant support, the comment cannot have served as an appropriate reason for his nonreappointment. After his January 2013 meeting with his new chair, Professor Kalluri, Professor Wang believed that the two were in agreement that he had in fact “achieved goals,” an understanding subsequently supported by Professor Kalluri’s first amended performance appraisal. The second amended appraisal, reinstating the negative assessments erased a month earlier, were, in the view of the investigating committee, evidence of a simple need to justify removing Professor Wang from the department.

While the outcomes were the same, the appeal procedures afforded Professors Mehta and Wang were not identical. After receiving notice from then-provost DuBois of his nonrenewal, Professor Mehta submitted an appeal to the FAP and then appealed Provost Buchholz’s denial of his appeal to the president. After receiving his notice of nonrenewal from Provost Buchholz, Professor Wang submitted his appeal to the provost’s office. The new provost, Dr. Dmitrovsky, informed him that his appeal had been denied and that he had five days to request a meeting with the president, which Professor Wang declined to do because he believed such a meeting would have been futile.

The investigating committee accepts President DePinho’s May 2014 explanation (footnoted earlier) of the exceptional accommodation afforded Professor Mehta—“MD Anderson experienced changes to the Provost and Executive Vice President position during the course of Dr. Mehta’s appeal process”—and learned from several faculty members that the change of administrative personnel was significant. Dr. DuBois had been a candidate for the presidency and, when not selected, had been placed in an untenable situation. Faculty members told the investigating committee that although provost DuBois had previously been helpful to faculty members who sought his assistance, he had little leverage after Dr. DePinho’s appointment.

E. Conditions for Academic Governance

The initial request from faculty members at MD Anderson for AAUP assistance did not allege any violations of Association-supported principles and standards relating to academic freedom and tenure. Instead, it focused exclusively on allegations that the MD Anderson administration disregarded AAUP-supported standards of academic governance, as set forth in the *Statement on Government of Colleges and*

Universities, by declining to accept the unanimous recommendations of faculty bodies that faculty members be granted “term tenure.” As noted earlier, the report of the committee, chaired by Professor Boyd, focused on what it called governance issues. Traditionally, however, the AAUP has viewed an administration’s disregard of a faculty body’s position on an issue of faculty status as a tenure issue, often with ramifications for academic freedom, and so it did regarding MD Anderson once information on the Mehta and Wang cases became known to the staff.

Professor Boyd also alleged in his May 5 letter that President DePinho appointed Professor Kalluri as chair of the Department of Cancer Biology without consulting with a faculty committee or faculty members in the department. Regarding the selection of a department chair, the *Statement of Government* recommends, “The chair or head of a department, who serves as the chief representative of the department within an institution, should be selected either by departmental election or by appointment following consultation with members of the department and of related departments; appointments should normally be in conformity with department members’ judgment.” Faculty members told the investigating committee that the appointment of chairs by the president is the tip of an iceberg in which the institution is being reorganized without faculty consultation or participation.

F. Climate for Academic Freedom

Academic freedom is a term the investigating committee heard rarely at MD Anderson. When the term was used, there was often the implication that academic freedom is identical to citizen speech or applies to curricular matters but not to research. The investigating committee was cautioned more than once against regarding MD Anderson as an educational institution—despite the thousands of trainees and students it serves annually. The cancer center’s minimal involvement in teaching, compared to its research and patient-care components, was emphasized by interviewees at all levels: “Anderson is more like a hospital than like a university.” No one interviewed by the committee said the educational mission of the center was being harmed.

Although neither the term *tenure* nor the term *academic freedom* could be used by the investigating committee without inviting misconception, faculty members were quick to describe the pressures they and their colleagues felt in the areas of research,

patient care, and governance—as already described in this report—especially in the past few years and, for individuals, particularly in the years immediately before applying for renewal. Some faculty members told the investigating committee not to expect much openness from interviewees because “even senators are on seven-year contracts.” One faculty member remarked, “All faculty senate members are on seven-year appointments, so they too have to watch their heads that they don’t ‘upset the apple cart’ too much.”

In the course of investigating the cases of Professors Mehta and Wang, and in considering Professor Lu’s situation, the committee was made aware of faculty experiences and fears closely related to the apparent secrecy and arbitrariness involved in those three cases. It heard accounts of abuse of authority and retaliation that went unchecked despite appeals for help to the offices of human resources, the ombudsperson, and the provost. Some faculty members met with the investigating committee, they said, to recount their experiences of perceived mistreatment in hopes that the committee would not make the mistake of thinking that the complaints that prompted the investigation were exceptional, even if their own situations could not be addressed by the Association directly.

IX. Conclusions

1. The administration of the University of Texas MD Anderson Cancer Center acted in disregard of the joint 1940 *Statement of Principles on Academic Freedom and Tenure*, which calls for the protections of tenure to full-time faculty members after seven years of service, when it failed to retain Professors Kapil Mehta and Zhengxin Wang following thirty and twelve years of service, respectively, without having afforded them requisite academic due process.
2. In both the Mehta and Wang cases, the administration acted in disregard of the Association’s *Recommended Institutional Regulations on Academic Freedom and Tenure* and of its own “Non-Renewal of Faculty Appointment Policy” when it failed to provide a written statement of reasons to the two professors for their nonreappointment.
3. In both cases and in others where non-renewals and deferrals belied the positive recommendations of the faculty committee with primary responsibility for ensuring faculty excellence, the administration acted in disregard of the Association’s *Recommended Institutional Regulations on Academic Freedom and Tenure*

and the *Statement on Government of Colleges and Universities* when it failed to provide compelling reasons, stated in detail, to the Promotion and Tenure Committee for rejecting its recommendations.

4. In Professor Mehta's case, the administration additionally ignored the findings of a faculty appeal panel that had sustained his appeal of the adverse action and misrepresented the panel's findings to Professor Mehta.
5. The administration acted in disregard of the Association's *Recommended Institutional Regulations on Academic Freedom and Tenure* and in disregard of its own "Faculty Appointments Policy" in failing to provide accurate licensure information in Professor Gouhui Lu's initial letter of offer and in subsequent appraisals and reviews—information later used to remove him from faculty status and place him in a classified position.
6. The University of Texas MD Anderson Cancer Center administration shows its disregard of principles of shared governance articulated in the *Statement on Government of Colleges and Universities* in its procedures for appointing department chairs and in its general failure to involve faculty meaningfully in academic decisions.²⁰ ■

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

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

Members: **MICHAEL BÉRUBÉ** (English), Pennsylvania State University; **DON M. ERON** (Writing and Rhetoric), University of Colorado; **MARJORIE HEINS** (Law), New York, NY; **CHRISTOPHER HOOFNAGLE** (Law), University of California, Berkeley; **WALTER BENN MICHAELS** (English), University of Illinois at Chicago; **DEBRA NAILS** (Philosophy), Michigan State University*; **CARY R. NELSON** (English), University of Illinois at Urbana-Champaign; **JOAN WALLACH SCOTT** (History), Institute for Advanced Study; **HANS-JOERG TIEDE** (Computer Science), Illinois Wesleyan University; **JAMES TURK** (Sociology), Ryerson University; **RUDY FICHTENBAUM** (Economics), Wright State University, *ex officio*; **RISA L. LIEBERWITZ** (Law), Cornell University, *ex officio*; **JOAN E. BERTIN** (Public Health), Columbia University, *consultant*; **BARBARA M. JONES**, (Legal History), American Library Association, *consultant*; **IRENE T. MULVEY** (Mathematics) Fairfield University, *liaison from the Assembly of State Conferences*.

*Did not participate in the vote.

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DEBRA NAILS (Philosophy)
Michigan State University, *chair*

GLORIA P. GIARRATANO (Nursing)
Louisiana State University Health Sciences Center

DAVID I. GREGORIO (Community Medicine
and Health Care)
University of Connecticut Health Center

MARIE E. MONACO (Neurosciences and Physiology)
New York University School of Medicine

Investigating Committee

20. The administration of the MD Anderson Cancer Center, having received a copy of the draft text of this report for comment and correction of fact, responded by letter of March 13, 2015. For the text of that letter and a reaction, see the *Cancer Letter*, March 18, 2015, 3–6.

Academic Freedom and Tenure: The University of Illinois at Urbana-Champaign¹

(APRIL 2015)

I. Introduction

In the middle of summer 2014, Dr. Steven Salaita, associate professor of English at Virginia Polytechnic Institute and State University, having resigned his tenured position, was preparing to relocate to the University of Illinois at Urbana-Champaign, where he had more than nine months earlier accepted a tenured appointment as associate professor in the Program of American Indian Studies (AIS). Both the administration and his prospective colleagues had made arrangements for him to assume his position in the fall term. The appointment still needed final approval by the Board of Trustees of the University of Illinois, but Professor Salaita and the AIS faculty had reason to believe that this was a formality. The fall term was set to begin on August 25, more than two weeks before the board was to meet and confirm new appointments on September 11.

At the same time, on the other side of the world, fighting was raging between Israeli troops and Palestinians in Gaza, culminating months of rising tension. Professor Salaita, who is of Jordanian and Palestinian descent, was outraged by these events

and expressed his views in a series of impassioned “tweets” on Twitter, a popular social-media forum. Many supporters of Israel and others found his statements deeply offensive, with some branding them as “hate speech” and as “violent” and “threatening.”² The tweets also came to the attention of UIUC chancellor Phyllis Wise, UI system president Robert Easter, and members of the board when it met on July 24.

On August 1, Chancellor Wise wrote to Professor Salaita to inform him that his appointment would “not be recommended for submission to the board of trustees” and that a board vote to confirm the appointment was unlikely. In a statement issued on August 22, Chancellor Wise explained that the University of Illinois could not and would not “tolerate . . . disrespectful words or actions.” On the same date, the board of trustees and President Easter issued a joint statement supporting the decision not to forward Professor Salaita’s appointment. The statement declared UIUC “a community that values civility as much as scholarship.” Some weeks later, however, Chancellor Wise did submit the appointment to the board with a negative recommendation, and on September 11 the board voted to reject it.

These actions by the chancellor, the president, and the board sparked a firestorm of controversy on the UIUC campus and throughout higher education, attracting extensive media coverage. The decisions raised a number of critical questions that this report will seek to answer:

1. The text of this report was written in the first instance by the members of the investigating subcommittee. In accordance with Association practice, the text was then edited by the staff and, as revised with the concurrence of the subcommittee, was submitted to Committee A on Academic Freedom and Tenure. With the approval of Committee A, the report was subsequently sent to the subject faculty member, to the administration of the University of Illinois at Urbana-Champaign, to the chair of the University of Illinois board of trustees, and to other persons directly concerned. This final report has been prepared for publication in light of the responses received and with the editorial assistance of the staff.

2. The appendix contains a selection of Professor Salaita’s controversial tweets, submitted by university counsel in behalf of the administration, along with a selection of other tweets from the same period provided by Professor Salaita.

1. What sequence of events led to the chancellor's letter of August 1 and the board's decision of September 11, and did the UIUC board and administration conform to the institution's own policies and to AAUP-supported principles in their decision not to confirm Professor Salaita's appointment?
2. What was Professor Salaita's faculty status at the time that his appointment was rejected by the chancellor and the board, and to what extent was he entitled to the academic freedom and due-process rights accorded to tenured faculty members?
3. What is the relevance of extramural expression, including expression on social-media forums like Twitter, in determining the fitness of a faculty member for a university position?
4. What role should standards of "civility" play in assessing the qualifications of a prospective or current faculty member?
5. What is the overall climate for academic freedom and shared academic governance at UIUC in the wake of these events?

II. The Involvement of the Association

Responding to initial media reports about the Salaita matter, AAUP president Rudy Fichtenbaum and first vice president and chair of Committee A on Academic Freedom and Tenure Henry Reichman issued a statement on August 7, 2014, expressing concern that if media reports were accurate, there was "good reason to fear that Professor Salaita's academic freedom and possibly that of the Illinois faculty members who recommended hiring him have been violated." The statement did not reach any conclusions about the controversy, but it affirmed that

while opinions differ among AAUP members on a wide range of issues, the AAUP is united in its commitment to defend academic freedom and the free exchange of ideas more broadly. On the basis of this commitment, we have opposed efforts by some pro-Palestinian groups to endorse an "academic boycott" of Israel. This commitment has also led us to defend the rights of critics of Israel, including the right of faculty members such as Professor Salaita, to express their views without fear of retaliation, even where such views are expressed in a manner that others might find offensive or repugnant.

Following a request from the director of the Program of American Indian Studies for national

AAUP assistance, the Committee A staff wrote to Chancellor Wise on August 29 to convey the Association's concerns. On the core issue of Professor Salaita's having a UIUC faculty appointment, the staff wrote as follows:

Only this August, after Professor Salaita had resigned his tenured appointment at Virginia Tech and prepared for his assignments, and shortly before the semester was to begin, did he receive notification that, because the board of trustees would not be acting on the matter, he did not have an appointment at the University of Illinois. Aborting an appointment in this manner without having demonstrated cause has consistently been seen by the AAUP as tantamount to summary dismissal, an action categorically inimical to academic freedom and due process and one aggravated in his case by the apparent failure to provide him with any written or even oral explanation.

On the issue of academic freedom, the staff's August 29 letter referred to the general presumption that the refusal to approve the Salaita appointment was triggered by his tweets condemning recent Israeli military activities. Stating that the online tweets were extramural utterances by a citizen rather than pedagogical or scholarly discourse, the letter observed that both AAUP policy and UIUC policy permit an administration to bring charges if it believes that extramural activity has been "such as to raise grave doubts concerning the teacher's fitness for his or her position" but that the administration "should remember that teachers are citizens and should be accorded the freedom of citizens." Finally, noting that the UIUC academic senate's Committee on Academic Freedom and Tenure (CAFT) had decided to initiate an examination of the issues raised by the case, the letter stated that Committee A saw the case as that of a faculty member suspended from his academic responsibilities pending a hearing on his fitness to continue. Under both AAUP and UIUC policy, any such suspension is to be with pay. With Professor Salaita's having incurred major expenses since accepting the UIUC offer and receiving no salary, the staff's letter urged that he be paid the salary offered in his appointment letter pending the result of the CAFT inquiry.

Faculty members in the AIS program also submitted a formal request to CAFT on September 5 for an investigation of specific academic freedom issues, and CAFT promptly authorized a subcommittee to serve as the investigative body. A September 9 AAUP staff

letter to Chancellor Wise took note of the subcommittee, calling it “a positive step that accords with AAUP-recommended procedures for adjudicating disputes arising over issues of academic freedom and tenure.” “The issues raised in this case,” the staff wrote, “are so critically important, and seen as such nationally, that an investigation by the Association would have commenced by now were it not for the role being assumed by the university’s committee.”

With the UIUC administration unresponsive to the AAUP recommendation that Professor Salaita be paid salary while unresolved issues of academic freedom were being investigated by CAFT, the AAUP on October 13 announced approval of a \$5,000 grant from the AAUP Foundation’s Academic Freedom Fund under a provision allowing temporary financial aid to faculty members whose means of support are cut off because of their involvement in academic freedom controversies.

The CAFT investigating subcommittee’s report was approved by the full committee, which released it on December 23. Committee A staff confirmed its receipt in a December 30 letter addressed to Chancellor Wise, stating that the report reinforced the Association’s belief that the issues raised by the case were of highest importance for the university and for higher education nationally. The letter added that “in this case charging an AAUP ad hoc committee with conducting a site visit as the basis for a report would be redundant. . . . The CAFT subcommittee has investigated essentially the same issues as would an ad hoc AAUP committee.” The AAUP’s executive director then asked Committee A to prepare a draft report based on the CAFT report, supplemented by Committee A’s own comments and recommendations.

On January 13, Chancellor Wise wrote to the Association requesting that Committee A “pause” with its investigation pending the opportunity to resolve the case. She also requested a meeting with representatives of Committee A during which she would provide reasons for the action of the administration and the board. In a letter sent two days later, the staff responded that it saw “no good reason for ‘pausing’ in the sense of holding off with the draft report,” which was sent to the chancellor and other interested parties for comment the next day. This letter also anticipated “a visit by a small Committee A subcommittee, which will also be available for meetings with the CAFT subcommittee and the senate officers.” The initial draft report, which consisted of the text of the CAFT report supplemented by introductory and

interspersed commentary, endorsed many, but not all, of the findings of the CAFT report, while criticizing its recommendations, which were soon made moot when both Chancellor Wise and the board of trustees rejected them.

On February 2, UIUC legal counsel Scott Rice wrote at length to the staff urging the AAUP to refrain from further action in light of the decision by Professor Salaita to file a lawsuit.³ This letter also criticized the Association’s decision to utilize the CAFT report as the basis for its initial draft, calling the Association’s “failure to conduct a thorough and detailed investigation” of its own “deeply troubling.” The staff replied on February 6, reiterating its offer to accept Chancellor Wise’s request for a meeting with representatives of Committee A and offering dates for a visit by committee members serving as an investigating subcommittee. During this period the staff also received a response to the draft report from a member of CAFT questioning aspects of the AAUP’s approach but emphasizing “that Committee A’s overarching concern is with the actions of the administration and trustees, not the moot recommendations of CAFT.”

Members of the Committee A subcommittee decided that it would be preferable for the AAUP to produce its own independent investigative report rather than to provide comments based on the CAFT report. CAFT’s role was, in good measure, not only to apply relevant university policies and determine the facts at issue but also to seek an acceptable resolution to the controversy. The Association’s role differs; its concern is both to establish what happened and to measure the actions of the chancellor, the president, and the board against the principles and standards supported by the AAUP. In particular, the AAUP was deeply concerned about the impact of this controversy on the broader climate for academic freedom at UIUC, a matter that the CAFT report did not consider.

On February 26 and 27, the undersigned members of the subcommittee visited the UIUC campus, where

3. Responding on March 25 to a draft of this report, Chancellor Wise wrote: “The University remains concerned and bewildered that the AAUP apparently continues to maintain that it is entitled to usurp the authority of the Federal judicial system regarding determining questions of fact and law currently in dispute.” The AAUP claims no such authority. As its staff wrote to counsel Rice on February 6, “Committee A’s core concerns . . . are not with whether or not an administration’s actions have been legal but rather with whether or not they conform to sound academic practice as reflected in AAUP-supported principles and procedural standards, principles that the University of Illinois at Urbana-Champaign has endorsed.”

they met with Chancellor Wise, university counsel Rice, and other principal and concerned parties. The staff had previously interviewed Professor Salaita. All persons interviewed were helpful, cooperative, and courteous. During its investigation, CAFT invited members of the board of trustees to comment on their role, but they declined. They also did not respond to the initial draft that had been sent to them with an invitation for comment. The subcommittee did not, therefore, make efforts to interview members of the board.

The report that follows is based on the subcommittee's campus visit and on the CAFT report. The subcommittee wishes to emphasize its appreciation for CAFT's efforts and to reaffirm its previously expressed agreement with CAFT's most important findings. These include continuing agreement with the CAFT report on the seriousness of the disregard by the chancellor, president, and trustees for stated principles of shared governance; shared criticism of the stance taken by the chancellor in initially declining to forward Professor Salaita's appointment to the trustees; agreement that "[r]egardless of the tweets' tone and content, they are political speech—part of the robust free play of ideas in the political realm"; and, lastly, agreement with CAFT that "holding civility up as a standard of conduct conflicts with academic freedom."⁴

III. The Institution

One of the original thirty-seven public land-grant institutions created after President Abraham Lincoln signed the Morrill Act in 1862, the University of Illinois at Urbana-Champaign was chartered in 1867 as the Illinois Industrial University. It was renamed the University of Illinois in 1885. In 1967, the university reorganized into a system with campuses at Urbana-Champaign, Chicago Circle, and Medical Center (Chicago). In 1982, the two Chicago campuses merged and became the University of Illinois at Chicago. In 1995, Sangamon State University, founded in 1969, was joined to the University of Illinois system and renamed the University of Illinois at Springfield. The system is

governed by a board of trustees and administered by a president, with each of the campuses administered by a chancellor.

The University of Illinois board of trustees consists of thirteen members, eleven of whom have official votes. Nine are appointed by the governor for terms of six years, and three student trustees (one from each campus) are elected by referenda on their campuses for one-year terms. The governor selects one of these student trustees as a member who has an official vote. The governor himself serves as an ex-officio member. During the events discussed in this report, Mr. Christopher Kennedy served as chair of the board. Dr. Robert A. Easter was appointed president-designate of the University of Illinois in March 2012 and became the university's nineteenth president that July. Dr. Phyllis M. Wise is chancellor of the University of Illinois at Urbana-Champaign and a vice president of the University of Illinois system. Chancellor Wise was interim president of the University of Washington in 2010–11, where she had served as provost and executive vice president for five years, and was previously dean of the College of Biological Sciences at the University of California, Davis.

UIUC enrolls more than 32,000 undergraduate students and more than 12,000 graduate students, including approximately 9,000 international students, in seventeen colleges, schools, and divisions. The university employs approximately 2,500 faculty members, about 1,850 of whom are tenured or on the tenure track. The College of Liberal Arts and Sciences (LAS) enrolls approximately 11,500 undergraduate students. LAS dean Barbara Wilson, who holds an endowed chair as professor in the Department of Communication, took her current office at the start of the 2014–15 academic year, after Professor Salaita's appointment was denied. She had also worked in the provost's office, successively as vice provost for academic affairs and as executive vice provost with responsibility for oversight of tenure and appointment issues.

The Program of American Indian Studies within LAS was approved by the trustees in 2005, the first tenure-track faculty members in the field having been appointed in 2004. The board approved an undergraduate minor in 2008 and a graduate minor in 2009. The program director is Professor Robert Warrior. Associate professor Jodi Byrd served as interim director during the search that recommended the appointment of Professor Salaita. In a 2010 statement on the program's website, its faculty declare:

4. The investigating subcommittee does not, however, agree with the CAFT report's characterization of Professor Salaita's appointment status (about which see section V below) or with its now moot recommendation for an additional review of his professional qualifications (see section VI below). The full text of CAFT's *Report on the Investigation into the Matter of Steven Salaita* may be found at <http://www.senate.illinois.edu/af1501.pdf>.

American Indian Studies is committed to the highest standards of professional and scholarly conduct and the best ideals of academic freedom. We are also committed to developing strong and sustaining partnerships with people and programs in American Indian and Indigenous communities. These commitments will sometimes create tensions and might at times be in conflict, but we see them both as necessary to our conception of the work we do. Free academic inquiry helps us to test the limits of accepted wisdom, seek out new approaches to chronic problems, and recognize that being creative about the future might lead us to embrace people and ideas that have been in various ways excluded from the American Indian social and political world.⁵

In the early 1960s, UIUC was the site of one of the more significant academic freedom controversies in the history of the AAUP, one which helped define the extent of a faculty member's right to extramural expression.⁶ In 1960, Dr. Leo Koch, an assistant professor of biology at UIUC who had been notified of nonreappointment, published a letter in the student newspaper that condemned Victorian prudery and appeared to condone premarital sexual relations among students. In response to public outcry led by a local clergyman, the letter was condemned by the university's president, who ordered prompt termination of Koch's services. The matter came before the faculty senate, which recommended a reprimand, but the trustees found the "language, tone, and contents of the letter" to be a "reprehensible breach of . . . academic and professional responsibility."

The AAUP's investigating committee found important due-process violations in the university's treatment of Professor Koch, but the case centered on the substantive issue of "academic responsibility." The committee concluded: "Once one excludes from consideration the 'offensive' nature of the substantive ideas in Professor Koch's letter, as it is conceded the principles of academic freedom require, the finding of a breach of academic responsibility because of language and tone seems to us wholly untenable." Further, the committee explained, "the concept of 'irresponsibility' is exceedingly vague. Any one of us

can easily call to mind statements by our colleagues which might be termed by some as unrestrained, undignified, or lacking respect for the opinion of others. Any serious application of the standard would tend to eliminate or discourage any colorful or forceful utterance. More likely, . . . the standard would be reserved as a sanction only for expression of unorthodox opinion." The Association placed UIUC on its list of censured administrations in 1963 and removed it in 1967.

Of some relevance to the concerns dealt with in this report is the controversy over Chief Illiniwek, commonly referred to as "the Chief," that has gone on for more than two decades. The Chief, until recently the official mascot and symbol of the UIUC intercollegiate athletic programs, was portrayed by a student dressed in Sioux regalia to represent the Illini, the state's namesake, at athletic events and rallies. Several American Indian groups and their supporters charged that the Chief was a misappropriation of indigenous cultural figures and rituals and that the use of the mascot perpetuated stereotypes about American Indian peoples. The Native American House, the AIS program, and the Native American student organizations all called for the Chief's retirement, as did organizations beyond UIUC, including the National Association for the Advancement of Colored People, the National Education Association, Amnesty International, the Modern Language Association, and the Society for the Study of the Indigenous Languages of the Americas. In contrast, the Illinois state legislature in 1989 passed a resolution supporting retention of the Chief.

As a result of the controversy, in August 2005 the National Collegiate Athletic Association termed Chief Illiniwek a "hostile or abusive" image and banned the university from hosting postseason activities as long as it continued to use the mascot. In 2006, the UIUC board of trustees passed a resolution calling for "a consensus conclusion to the matter of Chief Illiniwek," but in February 2007 the chair of the board issued a unilateral directive retiring Chief Illiniwek, and a month later the trustees voted to retire Illiniwek's name, image, and regalia.

The controversy over the Chief that roiled the campus—with students and alumni often passionately defending the tradition and faculty members generally supporting the mascot's retirement—nonetheless continues today as unofficial student groups have maintained the tradition. In April 2014, an indigenous student complained of daily insults she felt because

5. "Identity and Academic Integrity," University of Illinois American Indian Studies Program, September 2010, <http://www.ais.illinois.edu/about/identity/>.

6. "Academic Freedom and Tenure: The University of Illinois," *AAUP Bulletin* 49 (1963): 25–43.

of the continued presence of the Chief on campus, including other students wearing the old image and name on sweatshirts and continued unofficial performances by the current chief at some events.⁷ The president of the Native American Indigenous Student Organization and the Campus Faculty Association (CFA) rallied behind the student.

In interviews with this subcommittee, the issue of the Chief came up repeatedly in the context of the AIS program's advocacy for the mascot's retirement, which made AIS a target of hostility for those who insisted on perpetuating the tradition.

IV. Chronology of Events⁸

On May 23, 2012, Professor Robert Warrior, then AIS director, submitted a hiring request for a faculty position that would facilitate the program's planned expansion into the broader field of indigenous studies. The request was approved on July 10 by then dean of liberal arts and sciences Ruth Watkins. The advertisement for the position sought a scholar at the assistant or associate professor level whose work provided "evidence of innovative transnational, comparative, creative, or interdisciplinary approaches to American Indian or Indigenous Studies." The program received more than eighty applications, and six applicants were invited for campus visits. Dr. Steven Salaita visited the campus in February 2013 and was the unanimous choice of the faculty for the position.

Professor Salaita, who was born in West Virginia, earned an undergraduate degree in political science and a master's degree in English at Virginia's Radford University and a doctorate in Native American Studies with a literature emphasis at the University of Oklahoma. His teaching experience began with three years at the University of Wisconsin–Whitewater, where he taught American and ethnic American literature. In 2006, he moved to Virginia Tech, recruited by the English department as an assistant professor, teaching English while writing not only about literature but also about Arab Americans, indigenous peoples, and race and ethnicity. In 2009, he was granted tenure and promoted to associate professor.

In a September 6, 2013, letter to the acting dean of LAS, Professor Warrior provided evaluations of both Professor Salaita's scholarship and his teaching and offered a rationale for the appointment. The letter emphasized Professor Salaita's "fresh and compelling contributions to the intellectual project of a critique of the concept of indigeneity, which is . . . the core of what has made us an international leader in our field." The appointment, Warrior argued, would expand the purview of AIS and "engage with the broader implications of comparative indigeneity within and beyond the scope of US imperialism and militarism in North America and the Pacific to include the Middle East." In addition, Warrior noted, Professor Salaita's expertise in Arab American studies would contribute to the university's Middle East curriculum.

On September 23, the Promotion and Tenure Committee recommended that Professor Salaita be appointed with tenure. Two days later, Dr. Reginald Alston, associate chancellor and dean of the graduate college, concurred. He wrote:

After closely reviewing Dr. Steven Salaita's dossier, I support the Department of American Indian Studies' request to grant him the rank of Associate Professor with indefinite tenure at the University of Illinois. The uniqueness of his scholarship on the intersection of American Indian, Palestinian, and American Palestinian experiences presents a rare opportunity to add an esoteric perspective on indigeneity to our cultural studies programs on campus. . . . I support offering Dr. Salaita a tenured position because of the obvious intellectual value that his scholarship and background would bring to our campus. His presence would elevate AIS internationally and convey Illinois' commitment to maintaining a leading academic program on the historical and sociopolitical intricacies of American Indian culture.⁹

On September 26, Chancellor Wise approved the recommendation for tenure. The next day the provost authorized the appointment. On October 3, the interim dean of LAS sent a letter with an offer of appointment as associate professor with tenure to Professor Salaita, noting the presumably standard formality—that the appointment was contingent on approval by the board of trustees. Another letter followed from Professor Jodi Byrd, at that time acting director of AIS, with additional information,

7. Vincent Schilling, "Indigenous Student Discusses Public Suicide over Chief Illiniwek Pain," *Indian Country Today Media Network*, April 4, 2014, <http://indiancountrytodaymedianetwork.com/2014/04/04/indigenous-student-discusses-public-suicide-over-chief-illiniwek-pain-154316>.

8. Unless otherwise noted, this chronology is based on the CAFT report.

9. E-mail message submitted on behalf of Alston, September 27, 2013.

including possibilities of employment for his wife. On October 9, Professor Salaita accepted the offer, requesting a start date of August 2014. As August approached, he was given teaching assignments and asked to submit course syllabi, which he did. Arrangements were made to pay for his moving expenses and to see to his computer needs. He and his wife visited the campus in late spring and made a deposit on a condominium. All seemed to be in order as he prepared to move to his new position.

On July 21, 2014, the chancellor was alerted to tweets Professor Salaita had been posting about the war in Gaza. She told this subcommittee that she did not remember who first brought them to her attention, but there is evidence that she received many e-mail messages protesting the appointment over the course of the next ten days, as did President Easter.¹⁰ The chancellor was concerned enough about the tone of the tweets, she told the subcommittee, that she brought them to the board of trustees at its July 24 meeting. However, according to the CAFT report, President Easter on July 21 had already asked the chancellor to discuss the matter with him. Several board members were also aware of the content of the e-mail messages. Meeting in executive session, the board apparently indicated it would not approve the Salaita appointment.¹¹

On August 1, Chancellor Wise and Dr. Christophe Pierre, the UI system vice president for academic affairs, wrote to Professor Salaita informing him that the chancellor had decided not to submit the appointment to the board and that “an affirmative Board vote confirming [his] appointment” was “unlikely.” Time was of the essence, Chancellor Wise told the subcommittee; since Salaita was in the process of getting ready to move, she wanted to act before he did. She described her motive as “humanitarian.” Her decision, she told the subcommittee, was based solely on the

tone of the tweets and not on their political content. The tweets, she said, raised the issue of Salaita’s “professional competence” and presented new evidence to question it. The university is a place where difficult debates happen, she said, “but it has to be a place where students feel safe.” In the subcommittee’s interview with her, the chancellor repeated what she had told the CAFT subcommittee: she saw no distinction between Salaita’s extramural utterances (contained in the tweets) and his probable classroom demeanor.

The CAFT report notes that in its interview with her on November 14, Chancellor Wise

confirmed that she had not consulted with the Provost, the Dean of LAS, or other faculty representatives about her decisions not to forward Dr. Salaita’s offer of appointment to the Board of Trustees and to notify him in advance of this decision. She indicated that her initial understanding of the process was that it was her prerogative not to forward Dr. Salaita’s appointment to the Board and she only later discovered this understanding to be incorrect. She expressed much regret that she had not consulted more widely with the faculty and administration, and attributed her neglect of shared governance to the rapidity with which decisions had to be made.¹²

On August 22, in response to a growing number of objections to her actions, the chancellor issued “The Principles on Which We Stand.”¹³ It came along with a mass mailing to the university community from the president and the trustees supporting her position. In this statement, she affirmed her commitment to academic freedom and insisted that “the decision regarding Professor Salaita was not influenced in any way by his positions on the conflict in the Middle East nor his criticism of Israel.” She continued, “What we cannot and will not tolerate at the University of Illinois are personal and disrespectful words or actions that demean and abuse either viewpoints themselves or those who express them. . . . Most important, every student must know that every instructor recognizes and values that student as a human being. If we have lost that, we have lost much more than our standing as a world-class institution of higher education. . . .

10. Following a Freedom of Information Act request, the UIUC administration released some 280 pages of e-mail correspondence related to the Salaita case, which are available at <http://www.news-gazette.com/sites/all/files/pdf/2014/09/03/document.pdf>. These include numerous communications from alumni, parents, donors, and others and contain references to a two-page document allegedly submitted by a major donor to the university, which some of Professor Salaita’s supporters have suggested played a role in motivating the board’s actions. The administration has acknowledged the document’s existence but to date has failed to locate a copy.

11. However, chair Kennedy later told a reporter, “We [the board] weren’t saying if you recommend him, we were not going to approve. We were never close to that.”

12. CAFT, *Report on the Investigation into the Matter of Steven Salaita*, December 23, 2014, 8–9.

13. Phyllis M. Wise, “The Principles on Which We Stand,” *University of Illinois at Urbana-Champaign Chancellor’s Blog*, August 22, 2014, <https://illinois.edu/blog/view/1109/115906>.

Tenure . . . brings with it a heavy responsibility to continue the traditions of scholarship and civility upon which our university is built.”

In their statement, the president and trustees emphasized the need to protect students: “Disrespectful and demeaning speech that promotes malice is not an acceptable form of civil argument if we wish to ensure that students, faculty, and staff are comfortable in a place of scholarship and education.” They concluded, “We look forward to working closely with Chancellor Wise and all of you to ensure that our university is recognized both for its commitment to academic freedom and as a national model of leading-edge scholarship framed in respect and courtesy.”¹⁴

Early in September, the chancellor reconsidered one of the steps she had taken and forwarded the Salaita appointment to the trustees, recommending that they not approve it. On September 11, the board (voting eight to one) accepted her recommendation and rejected the Salaita appointment.

On September 5, CAFT, responding to a grievance filed by two AIS faculty members and citing the bylaws of the university senate, commenced an investigation of the Salaita case as an instance of “possible infringement of academic freedom.” In the same period, the provost’s office and the academic senate convened a committee to review hiring policies and procedures at the university.

In the interim, sixteen academic departments at UIUC voted no confidence in the administration (some other departments, however, voted to support the chancellor); petitions protesting and supporting the chancellor’s decision were circulated online; letters and e-mails objecting to her actions poured in to her office from on and off campus; the Modern Language Association, the American Historical Association, and the Society of American Law Teachers, among other groups, condemned the chancellor’s actions; and a boycott of the university, endorsed by more than five thousand scholars, many of whom canceled planned conferences and lectures, gained momentum.¹⁵

On December 12, the Hiring Policies and Procedures Review Committee issued its report. It found that, for the most part, general procedures were

in conformity with standards of shared governance. It noted, however, the danger of the board’s attempting to “conduct substantive reviews of candidates’ qualifications,” which “would be fundamentally incompatible with the board’s deliberative, policy-formulating role,” warning that “the competitiveness of the campus would be seriously damaged.” To avoid such a practice, the committee recommended that “the board of trustees should formally delegate its responsibility for tenured and tenure-track academic appointments that do not involve administrative positions at the level of deans and above to the president, who in turn should continue the existing policy of delegating to the chancellor and provost.”¹⁶

The CAFT report was issued on December 23. It concluded that the process of reviewing the proposed appointment “did not follow existing policies and procedures in several substantial respects, raising questions about the institution’s commitment to shared governance.” Although the report noted that Professor Salaita’s status was complex, “more than an applicant and less than an employee,” it maintained that “the academic freedom and liberty of political speech afforded to members of the faculty . . . should reasonably apply.” CAFT rejected the reason the chancellor had given for her actions—that the tweets lacked “civility”—arguing that this was “not consistent with the university’s guarantee of freedom of political speech.” The report called upon the chancellor to renounce the idea that “the incivility of a candidate’s utterance may constitute sufficient grounds for rejecting his appointment.” One additional recommendation granted the possibility that new information about Salaita’s professional competence may have been revealed by the controversy. To determine if this were the case, the report proposed that the candidacy “be remanded to the College of Liberal Arts and Sciences for reconsideration by a committee of qualified academic experts” and that Professor Salaita “be provided the opportunity to respond to any proposed findings of professional unfitness before the body concludes its proceedings.”

On January 15, 2015, the board effectively rejected the CAFT report, announcing that its decision not to appoint Professor Salaita was final. On January 29, Professor Salaita filed a lawsuit against the university, alleging violations in his case of the constitutional

14. University of Illinois president and trustees to University of Illinois community, August 22, 2014, <https://cfaiillinois.files.wordpress.com/2014/08/civility-massmail.pdf>.

15. Corey Robin, “Over 5000 Scholars Boycotting the UIUC,” *Corey Robin* (blog), September 9, 2014, <http://coreyrobin.com/2014/09/09/over-5000-scholars-boycotting-the-uiuc/>.

16. Office of the Provost and Vice Chancellor for Academic Affairs, *Hiring Policies and Procedures Review Committee: Final Report*, December 12, 2014, <http://www.senate.illinois.edu/sc1508.pdf>.

right to free speech and of principles of academic freedom. On February 9, the UIUC academic senate endorsed all the recommendations of the CAFT report.

On February 26, the day the AAUP subcommittee arrived in Urbana, the chancellor sent a mass mailing to the university community that was meant to be the final word on the Salaita affair. In it she announced a series of steps taken after “productive discussions with faculty, staff, and students.” The first was to ask the trustees to schedule final approval of faculty appointments well before the proposed arrival date of new appointees. She did not address the recommendation of the hiring policies committee that would remove the board from substantive review of faculty appointments. The second was to include “faculty fellows” in the chancellor’s office to “enhance the shared governance system that guides our campus.” These fellows would be chosen by her office, not elected by the faculty. The third step she announced was a refusal to remand the Salaita case to LAS for further consideration. And the fourth was an attempt to clarify what she had meant by civility in her August 22 statement. On the one hand, she insisted (citing the AAUP’s 1994 statement *On Freedom of Expression and Campus Speech Codes*) that she was not establishing a speech code for the campus. On the other hand, she reiterated the need for “respectful discourse” and tolerance as a guarantee for positive “educational experiences of . . . students.”¹⁷

V. Professor Salaita’s Appointment Status

At the heart of this case is the question of Professor Salaita’s employment status at the University of Illinois when Chancellor Wise informed him that she would not forward his appointment to the board of trustees. Was he merely an applicant, since his appointment had not received final board approval? Had he already been appointed and was he thus entitled to the full complement of academic due-process protections for tenured faculty members? Or was he in some kind of “in-between” status, which CAFT has posited?

The AAUP has taken the view from the beginning that Professor Salaita had already been appointed when he was informed of the chancellor’s decision not to forward his appointment to the board of trustees for approval. A letter to Chancellor Wise sent by

AAUP staff shortly after her announcement noted that “[t]he exchange of letters between Interim Dean Ross and Professor Salaita appears to have been in accordance with generally established procedures by which academic appointments are tendered and accepted,” adding that “we look upon Professor Salaita’s situation as that of a faculty member suspended from his academic responsibilities pending a hearing on his fitness to continue.” This subcommittee thus views the decision not to forward Professor Salaita’s appointment to the trustees, as well as the subsequent vote by the trustees to reject his appointment, as tantamount to summary dismissal.

Between 1958 and 1971, the Association investigated some eight cases that share similarities to this one: each featured the withdrawal of an appointment offer to a faculty member after it had been made and accepted.¹⁸

A 1962 case at George Washington University appears to have been the first time that the distinction between a dismissal and “a refusal to employ” received extended discussion in a Committee A investigation. The case involved a faculty member, Professor Richard W. Reichard, who, after accepting an offer for a two-year appointment from the institution in 1959, invoked the Fifth Amendment in front of the House Un-American Activities Committee. As a result, the administration withdrew his appointment before the beginning of the semester, claiming that Professor Reichard “at the time of the action taken in his case had not yet become a regular member of the faculty and therefore was not entitled to the procedural safeguards of normal dismissal proceedings.” The

18. For reports of similar cases, in addition to the three cases discussed below, see “Livingstone College,” *AAUP Bulletin* 44 (1958): 188–91; “Academic Freedom and Tenure: The University of South Florida,” *AAUP Bulletin* 50 (1964): 44–47; “Academic Freedom and Tenure: Wayne State College (Nebraska),” *AAUP Bulletin* 50 (1964): 347–54; “Academic Freedom and Tenure: Trenton State College,” *AAUP Bulletin* 54 (1968): 43–48; and “Academic Freedom and Tenure: University of Hawaii,” *AAUP Bulletin* 55 (1969): 29–40. In its analysis of the same precedents, CAFT concludes that Professor Salaita was in a status “in-between” that of an applicant and an employee. However, CAFT further concludes that he was entitled to “the academic freedom and liberty of political speech normally afforded a member of the faculty” (16) yet not to a dismissal hearing. This investigating subcommittee cannot accept CAFT’s analysis of Professor Salaita’s status, for the reasons outlined here. The subcommittee further rejects the contention that a faculty member in Salaita’s position can be entitled to the same academic freedom as other members of the faculty yet not be entitled to the same degree of academic due process.

17. The text of the e-mail was published in the *Champaign News-Gazette*: “Text of Wise’s Email to Campus,” February 28, 2015, <http://www.news-gazette.com/news/local/2015-02-28/text-wises-email-campus.html>.

investigating committee rejected that analysis, stating that “the services a teacher renders to the institution that employs him do not begin when he first sets foot in the classroom. His teaching, if it is to be of any value, must be prepared long before that. To divorce preparation for one’s academic duties from the execution of them is to take a narrow view of a teacher’s relation to his institution and to disregard facts that are a matter of common experience of all men in academic life.” The institution escaped censure by paying Professor Reichard his salary for the term for which he had been appointed and by performing a “complete revision of the University regulations governing tenure and faculty appointments.”¹⁹

A 1968 investigation at Northern State College (South Dakota) followed the summary dismissal of Professor Frank P. Kosik in the middle of his first semester over (1) alleged “un-American” utterances in his government class; “(2) alleged use of profanity and vilification of students; and (3) alleged attacks on the College administration and faculty colleagues.” The board of regents voted not to approve his contract after he had begun to teach, an action that it claimed absolved it from the necessity of providing him with a dismissal hearing. The investigating committee concluded that “the conception of academic freedom as dependent upon a technically or formally entered contract is completely unacceptable,” adding that “the members of the Tenure Committee of the Board agreed that the contract would have been approved *pro forma* had it not been for what had occurred during the first several days of classes.” The last point is of particular relevance to this case, as Professor Salaita’s appointment would clearly have been approved *pro forma* had it not been for his tweets. The subcommittee thus concludes that Professor Salaita was entitled to the same due-process protections of academic freedom as faculty members whose appointments had been approved by the board of trustees.²⁰

As a final example, the AAUP in 1971 investigated the refusal of the governing board of Columbia College (Missouri) to approve the appointment of Professor William Wickersham after he had participated in peace demonstrations at the neighboring

University of Missouri. The investigating committee noted in this case that

[w]hile he had not yet begun to serve at the College, there is no question that the proposal offered by the President and accepted by Professor Wickersham some nine months earlier constituted a *bona fide* appointment under accepted academic standards. No reservations regarding the need to seek Board approval had been entered by the administration at the time the offer was made and accepted; during the intervening months Professor Wickersham’s courses were added to the College catalogue, and he entered into communication with several foundations seeking support for the contemplated programs in community service.²¹

The primary difference between the cases cited here and the case of Professor Salaita is that in none of these cases does it appear that the faculty member was informed together with the appointment offer, as Professor Salaita had been, that the appointment was subject to approval by the board of trustees. This raises the question whether the notice that was provided makes a significant difference in comparison to the other cases cited. This subcommittee finds that it does not.²²

As at Northern State College, it was generally expected at the University of Illinois that approval by the board of trustees occurred *pro forma*. In fact, CAFT was unable to find a single additional case of board intervention in appointments of new tenured faculty members. This view of the approval process is further strengthened by the fact that it occurs after the beginning of the semester. Nonetheless, the administration maintains that the mention in his letter of appointment of the need for final approval by the board of trustees was intended to inform Professor Salaita that the approval was not in fact *pro forma*, that the offer to him was contingent on board action. This position is at odds with generally established

19. “Academic Freedom and Tenure: The George Washington University,” *AAUP Bulletin* 48 (1962): 240–47; “Report of Committee A, 1962–1963,” *AAUP Bulletin* 49 (1963): 135.

20. “Academic Freedom and Tenure: Northern State College (South Dakota),” *AAUP Bulletin* 54 (1968): 306–13.

21. “Academic Freedom and Tenure: Columbia College (Missouri),” *AAUP Bulletin* 57 (1971): 513–17.

22. In her March 25 response to a draft of this report, Chancellor Wise disputes our contention that this difference is not significant, claiming that the university’s “legal advisors, citing actual court precedents, assure us that it is,” adding that “this is clearly a nuanced issue of contract law, not a matter of opinion, and it will be settled in due course by the courts.” But, once again, the AAUP’s concern is not with the legality of the university’s actions but with their conformity to AAUP-supported principles and procedural standards.

procedures for academic appointments. The AAUP *Statement on Recruitment and Resignation of Faculty Members*, formulated jointly with the Association of American Colleges (now the Association of American Colleges and Universities), notes that an appointment offer should “be a ‘firm’ one, not subject to contingencies.” Similarly, the statement on *The Ethics of Recruitment and Faculty Appointments*, formulated jointly with the Council of Colleges of Arts and Sciences, notes that “the formal offer itself should be an unequivocal letter of appointment signed by the responsible institutional officer.” An appointment offer that does not become final after the applicant has accepted it until the governing board has approved it, in particular when the date of that approval regularly falls after the beginning of the semester, is neither “firm” nor “unequivocal.”

Finally, it should be stressed that while the Association does recognize the final authority of governing boards, under widely accepted standards of academic governance, that authority is not absolute. According to the Association’s *Statement on Government of Colleges and Universities*, “[f]aculty status and related matters are primarily a faculty responsibility; this area includes appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal.” The *Statement on Government* further provides that “[t]he governing board and president should, on questions of faculty status, as in other matters where the faculty has primary responsibility, concur with the faculty judgment except in rare instances and for compelling reasons which should be stated in detail.” As this report discusses in the sections on extramural speech and on civility below, the reasons cited by the chancellor and the trustees for Professor Salaita’s summary dismissal were in violation of his academic freedom. As such, the stated reasons clearly failed to be “compelling,” and thus the summary dismissal of Professor Salaita, in addition to violating principles of academic freedom, also disregarded widely accepted standards of academic governance.

VI. Extramural Speech

Since its founding in 1915, the AAUP has posited that freedom of extramural speech is an element of academic freedom. Dismissal cases of outspoken social scientists during the late nineteenth and early twentieth centuries fueled public debate over academic freedom and influenced the early development of the AAUP, including the formulation of the Association’s

seminal 1915 *Declaration of Principles on Academic Freedom and Academic Tenure*, which defined “academic freedom” as comprising three elements: “freedom of inquiry and research; freedom of teaching within the university or college; and freedom of extramural utterance and action.” The 1940 *Statement of Principles on Academic Freedom and Tenure*, jointly formulated by the AAUP and the Association of American Colleges, contains the following provision on extramural speech in paragraph 3 of the section on academic freedom: “College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations.”

Determining whether speech is “extramural” can be challenging when, as has been alleged in this case, such speech relates to a faculty member’s disciplinary expertise: is the faculty member speaking as a citizen or as a member of a learned profession? The definition of extramural speech offered in the Association’s *Protecting an Independent Faculty Voice: Academic Freedom after Garcetti v. Ceballos* provides clarification. It states that “[p]rofessors should . . . have the freedom to address the larger community with regard to any matter of social, political, economic, or other interest, without institutional discipline or restraint, save in response to fundamental violations of professional ethics or statements that suggest disciplinary incompetence.” According to this definition, the primary characteristics of extramural speech are that such speech is addressed to “the larger community” and that it is concerned with “social, political, economic, or other interest”; the status of an utterance as extramural does not depend on its relationship to a faculty member’s disciplinary expertise. Professor Salaita’s tweets were clearly addressed to the larger community and were concerned with matters of public interest and intense political debate. Thus, his tweets were extramural, regardless of whether they were related to his area of expertise.

The AAUP has stated that disciplinary competence cannot be judged by a faculty member’s extramural utterances. The 1940 *Statement* contains the following provisos regarding extramural utterances: “As scholars and educational officers, [college and university teachers] should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show

respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.” The status of these provisos has changed over time. Immediately following the endorsement of the 1940 *Statement*, the AAUP and the Association of American Colleges agreed to the following interpretive comment:

If the administration of a college or university feels that a teacher has not observed the admonitions of paragraph 3 of the section on Academic Freedom and believes that the extramural utterances of the teacher have been such as to raise grave doubts concerning the teacher’s fitness for his or her position, it may proceed to file charges under paragraph 4 of the section on Academic Tenure. In pressing such charges, the administration should remember that teachers are citizens and should be accorded the freedom of citizens. In such cases the administration must assume full responsibility, and the American Association of University Professors and the Association of American Colleges are free to make an investigation.

This interpretation raised the status of the provisos closer to that of enforceable standards. In Committee A’s discussions of the Koch case, the unambiguous nature of this interpretation was cited as a reason why Professor Koch could be disciplined for his extramural speech by university authorities and why Committee A had to reject a portion of the investigating committee’s report disclaiming this possibility. In 1964, following the Koch case, Committee A adopted a *Statement on Extramural Utterances*, which asserts as follows: “The controlling principle is that a faculty member’s expression of opinion as a citizen cannot constitute grounds for dismissal unless it clearly demonstrates the faculty member’s unfitness for his or her position. Extramural utterances rarely bear upon the faculty member’s fitness for the position. Moreover, a final decision should take into account the faculty member’s entire record as a teacher and scholar.” This provision reduced the scope of the earlier joint interpretation and was subsequently enshrined in the 1940 *Statement* by an interpretive comment that the AAUP and the Association of American Colleges jointly agreed upon in 1970. Since that time, the provisos on extramural utterances of the 1940 *Statement* have generally been seen as hortatory statements rather than as enforceable standards. Even so, extramural speech, as the Committee A statement notes, can be grounds for dismissal if it clearly

demonstrates the faculty member’s unfitness. Relevant examples of such extramural utterances, according to *Protecting an Independent Faculty Voice*, are “fundamental violations of professional ethics or statements that suggest disciplinary incompetence.”

A previous AAUP case that bears significant similarities to the case of Professor Salaita is the 1971 case of Professor Angela Y. Davis, who was denied reappointment as a part-time teacher at the University of California, Los Angeles, by the system’s board of regents in part because of her extramural utterances at political rallies and elsewhere, although in the Davis case the campus administration opposed the board’s action.²³ It is worth quoting at some length from the AAUP’s investigative report:

What is required by the concept “fitness for one’s position?” Most obviously, it means the capability and the willingness to carry out the duties of the position. First among these, for most academic personnel, are the duties of a competent and responsible teacher. . . . Depending on his discipline, rank, or assignment, and the practices of the institution, a faculty member’s position may involve other responsibilities, in research, in advising students, in sharing departmental chores or administrative duties, and the like. To meet the AAUP’s standard of unfitness, then, the faculty member’s shortcoming must be shown to bear some identified relation to his capacity or willingness to perform the responsibilities, broadly conceived, to his students, to his colleagues, to his discipline, or to the functions of his institution, that pertain to his assignment.

Thus, under the quoted principles, institutional sanctions imposed for extramural utterances can be a violation of academic freedom even when the utterances themselves fall short of the standards of the profession; for it is central to that freedom that the faculty member, when speaking as a citizen, “should be free from institutional censorship or discipline” except insofar as his behavior is shown, on the whole record, to be incompatible with fitness for his position.

The Davis report notes further:

At some stage in a contested argument over academic responsibility and fitness to teach, appeal

23. “Academic Freedom and Tenure: The University of California at Los Angeles,” *AAUP Bulletin* 57 (1971): 382–420.

must be made to someone's judgment in applying what are necessarily somewhat imprecise standards for the limits of propriety of extramural controversy. The judgment to be made is how far the condemned polemics fall below a professionally tolerable norm, and about the gravity, the frequency, and other circumstances of the incidents along with other evidence bearing on the speaker's overall academic responsibility. It is entirely possible, even likely, that the balance might be struck differently on the same evidence by leaders of the academic community and by members of a governing board, especially where political and other public controversy is involved. . . . In the light of these considerations, the wisdom of the AAUP procedural standards—which require careful exchange of views between faculty committees, administrations, and governing boards in disciplinary actions of the present kind—is apparent.

These standards, however, were manifestly not adhered to in the case of Professor Salaita, who was afforded no due-process protections and no opportunity to participate in the decision-making process.

The CAFT report states that, “[i]n explaining the decisions first not to forward the appointment and then to forward it with a negative recommendation, the Chancellor characterized Dr. Salaita's tweets as ‘harassing, intimidating . . . hate speech’ and as ‘inflammatory.’” In a public statement on her blog, Chancellor Wise explained her decision not to forward Professor Salaita's appointment to the board of trustees in the following terms:

The decision regarding Professor Salaita was not influenced in any way by his positions on the conflict in the Middle East nor his criticism of Israel. Our university is home to a wide diversity of opinions on issues of politics and foreign policy. . . .

What we cannot and will not tolerate at the University of Illinois are personal and disrespectful words or actions that demean and abuse either viewpoints themselves or those who express them. We have a particular duty to our students to ensure that they live in a community of scholarship that challenges their assumptions about the world but that also respects their rights as individuals.

As chancellor, it is my responsibility to ensure that all perspectives are welcome and that our

discourse, regardless of subject matter or viewpoint, allows new concepts and differing points of view to be discussed in and outside the classroom in a scholarly, civil and productive manner.

A Jewish student, a Palestinian student, or any student of any faith or background must feel confident that personal views can be expressed and that philosophical disagreements with a faculty member can be debated in a civil, thoughtful and mutually respectful manner. Most important, every student must know that every instructor recognizes and values that student as a human being. If we have lost that, we have lost much more than our standing as a world-class institution of higher education.²⁴

This statement contains a variety of explicit and implicit charges against Professor Salaita. Primarily, it alleges that his extramural speech demonstrates that he would be unable to conduct himself appropriately in the classroom. Chancellor Wise offered similar explanations to CAFT and to this subcommittee. Asked why she had initially decided not to forward Professor Salaita's appointment to the board, she told this subcommittee that her decision was based entirely on Professor Salaita's tweets and that the tone of the tweets, in particular, convinced her that students would not feel comfortable in Professor Salaita's classes. She further added that the classroom needed to be “a safe space” for students and that Professor Salaita's tweets convinced her that he would not provide such a classroom atmosphere.

Of course, concerns raised by extramural speech about the probable classroom conduct of a faculty member *can* relate to that faculty member's fitness. The Association's *Statement on Professional Ethics* stipulates that “[p]rofessors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors,” adding that professors “avoid any exploitation, harassment, or discriminatory treatment of students.” While extramural utterances can raise concerns over classroom conduct, Professor Salaita's tweets can hardly be considered as establishing *clearly by themselves* his unfitness, especially when actual evidence of his classroom conduct, though available to institutional authorities, was not considered by the chancellor. In response to a question posed by the AAUP subcommittee, the chancellor indicated that she had neither

24. Wise, “The Principles on Which We Stand.”

sought nor received any evidence that Professor Salaita's classroom conduct at Virginia Tech had raised concerns, nor has this subcommittee been furnished any such evidence. Furthermore, evidence of Professor Salaita's conduct as a teacher was reviewed by the departmental search committee and by promotion and tenure committees at various levels. These reviews found no reason to question Professor Salaita's fitness as a teacher. Consequently, CAFT has described the chancellor's concern over Professor Salaita's classroom conduct as "pure speculation." The subcommittee concurs with CAFT's assessment.

While the CAFT report raises questions about Professor Salaita's fitness with respect to his scholarship, recommending further investigation by a faculty committee, this subcommittee sees no reason to address or explore that scholarship. Chancellor Wise did not explicitly raise any concerns about Professor Salaita's scholarly work as the initial reason for refusing to forward his appointment to the board, nor did she retrospectively offer such a concern as a reason during her meeting with the subcommittee. It would therefore be presumptuous for this subcommittee to construe the chancellor's reasons for her actions against Professor Salaita in a way that she has not stated herself or to consider any reasons beyond those that she has cited.

Concern about Professor Salaita's scholarship also does not appear to have motivated President Easter or members of the board of trustees. In his August 22 statement, President Easter made no reference to scholarship, addressing only the alleged "incivility" of Professor Salaita's tweets. Nor did members of the board of trustees make any reference to scholarship or even to professional fitness when they voted on September 11 to reject Professor Salaita's appointment. Board member Patrick Fitzgerald simply declared that, "at the end of the day, we need to look out for the students and potential students first and foremost."

VII. Civility

Statements by Chancellor Wise and the trustees insisted that "civility" was a standard by which the fitness of a scholar and teacher could be judged. They used synonyms such as courtesy and respect, and they maintained that incivility threatened the comfort and security of students. The trustees claimed that disrespectful speech "is not an acceptable form of civil argument" and "has no place . . . in our democracy."

There are three objections to these claims. The first is that "civility" is vague and ill-defined. It is

not a transparent or self-evident concept, and it does not provide an objective standard for judgment. Historians have shown that over the centuries (whether used by aristocrats to distinguish themselves from the bourgeoisie, by the bourgeoisie to elevate themselves above the lower classes, or by Christians to establish their superiority to Jews and Muslims) the notion of civility consistently operates to constitute relations of power. Moreover, it is always the powerful who determine its meaning—a meaning that serves to delegitimize the words and actions of those to whom it is applied. So, to take one example, students engaged in peaceful sit-ins in the 1960s in Greensboro, North Carolina, were deemed by local police to be behaving in an uncivil manner. Or to take another from the nineteenth century, Western European imperial powers often justified their conquests as efforts to "civilize" native populations.

The second objection is that, inevitably, the standard of civility conflates the tone of an enunciation with its content. In many cases that the AAUP has investigated over the years, unacceptable emotive qualities have been ascribed to the *ideas* a teacher has endorsed. In the 1915 Scott Nearing case, for example, the alumni who called for his dismissal from the Wharton School referred to "his intemperate, persistent, and astonishing expressions of untested theories and . . . [his] unrestrained condemnations of institutions and rules which form the basis of civilized society."²⁵ Among other things, Professor Nearing had criticized the practice of child labor. In the previously mentioned Koch case at UIUC, the president, succumbing to protests from parents about Koch's advocacy of free love, said that "the views expressed are offensive and repugnant, contrary to commonly accepted standards of morality." Challenges to normative beliefs, in other words, are deemed uncivil, whatever the tonality of their delivery.

The third objection is that, even if the tone of one's expression is highly charged, it does not constitute grounds for punishment. Whether it is a matter of First Amendment rights or of the principles of academic freedom, there is concurrence on the dangers to democracy of attempting to outlaw emotionally provocative speech. The CAFT report cites a 1971 Supreme Court case that struck down punishment because of a speaker's use of an offensive

25. "Report of the Committee of Inquiry on the Case of Professor Scott Nearing of the University of Pennsylvania," *AAUP Bulletin* 2, no. 3, part 3 (May 1916): 19 [139].

expletive—“an expletive Dr. Salaita’s tweets are much given to.” The Court ruled, “We cannot sanction the view that the Constitution, while solicitous of the cognitive content of individual speech, has little or no regard for that emotive function which practically speaking may often be the more important element of the overall message sought to be communicated.” In the Davis case at UCLA, one of the dissenting regents put it similarly: “In this day and age when the decibel level of political debate . . . has reached the heights it has, it is unrealistic and disingenuous to demand as a condition of employment that the professor address political rallies in the muted cadences of scholarly exchanges. Professors are products of their times even as the rest of us.”

The AAUP has repeatedly expressed views of this kind in its policy documents and reports. *On Freedom of Expression and Campus Speech Codes* notes that “some may seek to defend a distinction between the regulation of the content of speech and the regulation of the manner (or style) of speech. The subcommittee finds this distinction untenable in practice because offensive style or opprobrious phrases may in fact have been chosen precisely for their expressive power.” *Ensuring Academic Freedom in Politically Controversial Personnel Decisions* states that “politically controversial academics are frequently found to be abrasive individuals who are difficult to work with. Consequently, lack of collegiality or incivility may easily become a pretext for the adverse evaluation of politically controversial academics.” *Freedom in the Classroom* addresses the issue of the comfort and safety of students. The notion of a hostile learning environment

assumes that students have a right not to have their most cherished beliefs challenged. This assumption contradicts the central purpose of higher education, which is to challenge students to think hard about their own perspectives, whatever those might be. . . . Ideas that are germane to a subject under discussion in a classroom cannot be censored because a student with particular religious or political beliefs might be offended. Instruction cannot proceed in an atmosphere of fear that would be produced were a teacher to become subject to administrative sanction based upon the idiosyncratic reaction of one or more students.

Finally, while the AAUP has recommended civility and tolerance as informal alternatives to speech

codes, it has also maintained that “adequate cause for a dismissal will be related, directly and substantially, to the fitness of faculty members in their professional capacities as teachers or researchers” and, further, that “consideration of the manner of expression is rarely appropriate to an assessment of academic fitness.”

VIII. Academic Freedom at the University of Illinois at Urbana-Champaign

Faculty opinion at UIUC concerning the actions of Chancellor Wise and the board of trustees with respect to Professor Salaita’s appointment is clearly divided. In the wake of the chancellor’s initial announcement and the board’s subsequent statements and actions, petitions supporting and opposing Professor Salaita’s appointment were widely circulated, and both sides could claim significant support. Some sixteen departments voted “no confidence” in the chancellor’s leadership, but other departments rallied to her support. The subcommittee heard reports of faculty members who felt intimidated and were fearful to speak out against the administration, but there were also reports of individuals who were fearful of voicing support for the administration. It was impossible for the subcommittee to verify the truth of such charges on either side or to gauge the extent of the problem they would appear to represent. That the divisions are genuine and deep, however, is undeniable. Indeed, one faculty member told the subcommittee that “friendships have been destroyed” over the issue.

In her meeting with the subcommittee, Chancellor Wise characterized faculty opinion as divided into three groups: those who support her actions, those who oppose her actions and believe she should resign, and those who oppose her actions but do not believe she should resign. No doubt a fourth group of faculty members exists: the indifferent. Which group represents the majority is not only difficult, if not impossible, to determine; it is fundamentally irrelevant. After all, academic freedom, like all liberties, will be meaningful only insofar as it can protect minority viewpoints. Therefore, as long as a significant minority of the faculty believes its academic freedom is imperiled, there is cause for serious concern.

And it would appear that at least a sizeable minority of faculty members do fear that academic freedom at UIUC is endangered. Such concerns are most widespread in the College of Liberal Arts and Sciences, but the subcommittee also heard of concern about a “chilling effect” of the Salaita decision among faculty members in the Graduate School of Library and

Information Science. In addition, there were reports that nontenured faculty members in particular feel threatened and that many, especially in the humanities, are seeking positions elsewhere because they fear the university will not support them if there is outside criticism of their work. One prominent professor called the Salaita decision “tremendously devastating” to faculty morale. The subcommittee was also troubled by the following comment about Professor Salaita made to the subcommittee by a prominent leader of the academic senate, who supported the chancellor’s action: “People say, yes, academic freedom, but they are very uncomfortable with this gentleman.”

Faculty members in AIS and other ethnic studies programs, the subcommittee was told, consider themselves especially vulnerable. They reported feeling pressure to avoid challenging the assumptions of students, including the kinds of prejudicial assumptions that their very disciplines seek to overturn, a direct product of the chancellor’s and the board’s claims that the decision not to approve Professor Salaita’s appointment was designed to “protect” students from “disrespectful and demeaning speech.” One professor told the subcommittee, “I don’t know of one faculty member [in these programs] not looking for another job,” an observation reiterated by an administrator. These faculty members believe they are vulnerable to attack by the local conservative newspaper for their teaching, their scholarship, and their extramural comments, and some report incidents of harassment. They lack confidence that the university will defend them.

Here the continuing resonance of the debate over the Chief should be considered. Faculty members in AIS and elsewhere expressed concern that the current storm over the Salaita appointment is at once informing and fueling a revival of that controversy. They were vocal in their criticism of the Chief and were blamed by some for his retirement. They retain memories of harassment to the point of death threats and of the 2008 vandalism of an art exhibit critical of the Chief, which, they charge, the university left them to handle on their own with minimal support. Currently, the department’s efforts to have Chief music removed from football half-time shows have been dismissed, the subcommittee was told, as “too complicated” for quick solution.²⁶

26. Responding to a draft of this report, both Chancellor Wise and CAFT questioned the relevance of this issue. While this subcommittee would not suggest that the board’s decision about Professor Salaita’s appointment was influenced by disputes about the Chief, given that the

It is important to add, however, that the subcommittee also heard evidence, from both the administration and some faculty members, that meaningful efforts are under way to provide additional support for ethnic studies in general and AIS in particular, and these efforts should not be taken lightly. Nevertheless, it remains troubling that Chancellor Wise, as late as the subcommittee’s visit, had yet to meet with the entire AIS faculty to explain her decision.

In 2010, UIUC dealt with a case of academic freedom involving allegations of bigotry against a part-time professor, Dr. Kenneth Howell, who was teaching a class on Roman Catholicism when he sent an e-mail message to his students concerning gay relationships that offended the friend of one of them, who complained about it. The chair of the religion department at the university decided not to reappoint Howell to teach the class again in the fall, fearing that gay students and others might be offended. Out of concern about academic freedom, however, the UIUC administration decided to overrule an academic department and hired him to teach the course while awaiting a report by CAFT. The CAFT report in the case was critical of the teacher as “unlearned” but declared that “students have no right not to be offended; indeed, students deeply committed to some economic, political, religious, or philosophical teachings may be profoundly offended by having to engage with faculty criticism of those teachings—the more serious and thoughtful the criticism, the greater the likelihood of offense. We could not do our job, which is to instill the habits of a critical mind, if we had to be chary of giving offense.”

The UIUC administration’s treatment of the adjunct professor contrasts starkly with its response to Professor Salaita’s tweets.²⁷ A similarly stark contrast may be drawn between the Salaita case and the administration’s treatment of a long-time faculty member, Professor Robert Weissberg, who regularly

appointment was to the Program of American Indian Studies, it remains concerned that lingering resentments over the Chief have combined with the Salaita controversy in ways that may have negatively affected the campus climate for academic freedom.

27. For a more complete comparison, see John K. Wilson, “Double Standard at Illinois,” *Inside Higher Ed*, October 2, 2014, <https://www.insidehighered.com/views/2014/10/02/essay-sees-double-standard-how-u-illinois-responds-controversial-professors>. The text of the CAFT report on the Howell case is posted at <https://www.scribd.com/doc/241356878/Kenneth-Howell-Report>.

advocated principles of white supremacy. Weissberg, now retired from the Department of Political Science, was a frequent speaker at meetings of American Renaissance, widely considered a white supremacist group. According to an official summary of one such conference in 2012, he “pointed out that there are still many ‘Whitopias’ in America and . . . many ways to keep them white, such as zoning that requires large houses and a cultural ambiance or classical music and refined demeanor that repels undesirables. This approach to maintaining whiteness has the advantage that people can make a living catering to whites in their enclaves.” In an earlier essay, he wrote, “Black-white co-existence is a little like having an incurable medical condition.” And he added, “Blacks generally have a well-deserved reputation for hair-triggered collective violence.” The administration took no action against him, reflecting a tolerance for offensive extramural expression not witnessed in the Salaita case, although it is unclear whether anyone outside the university had ever attempted to exert pressure on the administration to take such action.²⁸

A recent controversy that has contributed to faculty concerns about academic freedom is the widely reported case of Mr. James Kilgore. Kilgore, a former member of the 1970s Symbionese Liberation Army, was a fugitive from justice for nearly twenty-five years and eventually served a six-year prison sentence. The author of three acclaimed novels, Kilgore was hired as a part-time, non-tenure-track instructor in several different departments at UIUC and received positive student and peer evaluations for his teaching. When the local newspaper disclosed his background, however, a campaign to remove him from the faculty began, and Kilgore was suspended from teaching. In a public comment, chair Kennedy of the UI board of trustees called Kilgore “a domestic terrorist” and “an hourly employee,” which apparently meant that in

the chair’s opinion he was not entitled to academic freedom or its procedural protections.

On April 22, 2014, the AAUP wrote to Chancellor Wise expressing the Association’s concern about the case, stressing that “all academic personnel decisions, including new appointments and renewals of appointments, should rest on considerations that demonstrably pertain to the effective performance of the academic’s professional responsibilities.” The chancellor appointed a committee to review Kilgore’s status. Although many faculty members were concerned that the committee was not representative of the faculty, it ultimately recommended that Kilgore be retained, a recommendation accepted by the administration and permitted by the board of trustees.²⁹ The subcommittee was told by a knowledgeable source that the board agreed to Kilgore’s retention only after strenuous effort by the chancellor and the provost, who argued that in the wake of the Salaita decision a rejection of the campus committee’s recommendation by the board would seriously exacerbate tensions.

Although the Kilgore case was successfully resolved in his favor, it has not lost its relevance to the climate for academic freedom at UIUC. Rightly or wrongly, many non-tenure-track faculty members at UIUC fear that what happened to Kilgore could happen to them, and they point out that many in their ranks would be incapable of sustaining sufficient income during a period of de facto suspension while their cases were investigated, as Kilgore had done. Especially vulnerable, the subcommittee was told, are foreign-born, noncitizen faculty members, many of whom teach in language programs on a part-time basis. Faculty who teach Arabic or who are Muslim reportedly feel particularly intimidated by Professor Salaita’s dismissal.

The fears of many non-tenure-track faculty members have been exacerbated as well by the

28. Weissberg himself has commented on the Salaita controversy in an online essay, arguing that “[t]he trustees are not guilty of violating free speech; their sin is cowardice in overseeing the faculty. They did not perform their job.” See Robert Weissberg, “Another Take on Salaita: Not an Abridgment of Academic Freedom, but a Failure to Uphold Academic Standards,” John William Pope Center for Higher Education Policy, September 1, 2014, <http://www.popecenter.org/commentaries/article.html?id=3064#.VAd9xfidUIR>. For additional quotations from and links to Weissberg’s work, see John K. Wilson, “The Racist Professor at the University of Illinois,” *Academe Blog*, September 4, 2014, <http://academeblog.org/2014/09/04/the-racist-professor-at-the-university-of-illinois/>.

29. In a statement issued after its November 2014 meeting, the board said it had engaged in a “robust debate that represented a wide range of divergent viewpoints” on Kilgore, adding that “the Board traditionally has not been involved in part-time and adjunct employee hiring decisions.” A board spokesperson said board members could not reach a consensus “other than to direct the president to work with the campus provosts and chancellors on a policy that would cover hiring practices for part-time, adjunct, nontenured employees” (Julie Wurth, “UI Trustees: Kilgore Free to Teach Again; Kennedy to Call It Quits,” *News-Gazette*, November 13, 2014, <http://www.news-gazette.com/news/local/2014-11-13/ui-trustees-kilgore-free-teach-again-kennedy-call-it-quits.html>).

administration's response to their efforts to unionize. In May 2014, the Campus Faculty Association presented a majority of signed union authorization cards to the Illinois Educational Labor Relations Board (IELRB). The board then certified CFA Local 6546, affiliated with both the American Federation of Teachers and the AAUP, to include full-time, non-tenure-track faculty members employed at the Urbana-Champaign campus, excluding those with appointments in the colleges of law, medicine, and veterinary science. At the time of this writing, the unit includes 495 faculty members, of whom 75 percent are teaching faculty, 5 percent clinical faculty, and 20 percent research faculty. The IELRB's certification decision also determined the composition of the bargaining unit, a ruling the university subsequently challenged in court. Although the court directed the administration to commence bargaining for a first contract while it appealed the challenge to the unit composition, such bargaining has so far been mostly pro forma, as the administration has yet to respond to union proposals and has offered none of its own. Although the union issue is not connected to the Salaita case (and so will not concern us in detail here), the perceived stance of the administration toward contract negotiations has arguably contributed to an atmosphere of anxiety, especially among some non-tenure-track faculty members.³⁰

In its 1994 statement *On the Relationship of Faculty Governance to Academic Freedom*, the AAUP declared that "sound governance practice and the exercise of academic freedom are closely connected, arguably inextricably linked. While no governance system can serve to guarantee that academic freedom will always prevail, an inadequate governance system—one in which the faculty is not accorded primacy in academic matters—compromises the conditions in

which academic freedom is likely to thrive." In this context, it is important to note that members of both the faculty and the administration are working hard to address some of the problems in governance revealed by the Salaita controversy. All sides in the discussion appear to agree that the process involved in the Salaita decision was deeply flawed. The joint academic senate–provost committee that reviewed faculty appointment processes has recommended a number of significant changes. In response to that report, the administration has agreed to facilitate final faculty appointment approval by the board much sooner. This was not, however, the main recommendation of the committee, which urged the board to delegate its authority to the campus. Indeed, some faculty members fear that earlier decisions by the board might increase rather than decrease its influence on the appointment process.

Several faculty members called the subcommittee's attention to renewed interest in shared governance. By all accounts, recent meetings of the academic senate have been lively and engaged. The fate of the CAFT report is, however, of concern. Although on February 9, 2015, the academic senate, by a fifty-one to forty-one vote, called on the chancellor, president, and board of trustees to implement the recommendations of the report promptly, Chancellor Wise in her February 26 letter declared that she had decided not to act on the report's recommendations. This refusal is especially troubling, given the report's own conclusion about the state of shared governance at UIUC: "The Chancellor's, the President's, and the Trustees' disregard for the principles of shared governance and the very specific policies and procedures of the university and the campus is a serious matter. It violates the foundational arrangements designed to assure excellence as well as the trust necessary for a complex web of interdependent relationships to function well and with integrity."

While a large number of faculty members blame the chancellor for this situation, there is broader agreement that a major share of responsibility lies with the board of trustees. A retired but still actively engaged faculty member who has been at UIUC for decades said he could not recall the board's ever being so involved in faculty appointments, noting, however, that previous boards had been elected rather than appointed by the governor, a more recent development.

The subcommittee was informed of several examples of such board interference. In addition to

30. The AAUP's *Statement on Collective Bargaining* provides that, "[w]here a faculty chooses collective bargaining, the trustees and administration have a corresponding obligation to bargain in good faith with the faculty-selected representative and should not resort to litigation or any other means intended to avoid this obligation." According to *Protecting an Independent Faculty Voice*, "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-mail messages sent to other faculty members)." Clearly, speech or action in support of or in opposition to union organizing is included in such protections.

the Salaita and Kilgore incidents, in 2010, in what the *Chicago Tribune* called “an unusual move,” the board unanimously declined a faculty recommendation to award emeritus status to retiring University of Illinois at Chicago faculty member William Ayers, a former leader of the militant Weather Underground. Actual board interventions may have been rare, but the perception remains that the current board may be inclined to intervene more frequently and forcefully. As the AAUP’s report on the Davis case at UCLA concluded, “academic freedom cannot flourish when governing boards and faculties confront each other as if they were adversaries.” As in the Davis case in 1971, it is indispensable that the trustees and faculty members at UIUC “find means of communication that will enable them to regain a sense of being engaged in a common enterprise with a shared commitment to intellectual freedom.”³¹

In light of the conditions described above with respect to shared governance and the fears of significant segments of the faculty, the subcommittee concludes that the overall climate at the University of Illinois at Urbana-Champaign with respect to academic freedom is at best uncertain.

IX. Conclusions

On the basis of the above findings, the subcommittee concludes

1. The administration of the University of Illinois at Urbana-Champaign and the Board of Trustees of the University of Illinois, in rejecting Professor Steven Salaita’s appointment without demonstrating cause, and in doing so only after the appointment had been approved and courses had been assigned to him, acted in violation of the 1940 *Statement of Principles on Academic Freedom and Tenure* and the university’s own stated policies on the subject.
2. The stated reasons for the rejection of the Salaita appointment by the chancellor and the board of trustees violated Professor Salaita’s academic freedom and have cast a pall of uncertainty over the degree to which academic freedom is understood and respected.
3. The chancellor’s decision to oppose the appointment—announced without first having revealed her intention to those at several previous levels of evaluation, all of whom

had recommended making the appointment—contravened widely accepted standards for the conduct of academic governance.

4. This investigation has confirmed the Association’s position that aborting an appointment in this manner without having demonstrated cause is tantamount to summary dismissal, an action categorically inimical to academic due process.

In concluding its 1963 report on the Koch case at UIUC, the AAUP investigating committee expressed its hope that out of that controversy

the University authorities will come to take a broader view of the function of a university and the value of academic freedom for the faculty and the student body. The University of Illinois is a great university. Its concerns and contributions extend beyond the local to the national and international sphere. It must, of course, operate within the community in which it is located. But if it is to function on the scale and in the manner which it is capable, its top administration and its board of trustees must be ready to recognize its maturity, its ability to absorb a few gadflies, and its need for uninhibited freedom of discussion.³²

More than half a century later, the undersigned subcommittee expresses its similar hope that the current controversy will ultimately yield a similar result. ■

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

JOAN WALLACH SCOTT (Social Science)
Institute for Advanced Study

HANS-JOERG TIEDE (Computer Science)
Illinois Wesleyan University

Investigating Subcommittee

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

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

31. “University of California at Los Angeles,” 403.

32. “University of Illinois,” 34.

Members: **MICHAEL BÉRUBÉ** (English), Pennsylvania State University; **DON M. ERON** (Writing and Rhetoric), University of Colorado; **MARJORIE HEINS** (Law), New York, NY; **CHRISTOPHER HOOFNAGLE** (Law), University of California, Berkeley; **WALTER BENN MICHAELS** (English), University of Illinois at Chicago; **DEBRA NAILS** (Philosophy), Michigan State University; **CARY R. NELSON** (English), University of Illinois at Urbana-Champaign; **JOAN WALLACH SCOTT** (History), Institute for Advanced Study*; **HANS-JOERG TIEDE** (Computer Science), Il-

linois Wesleyan University*; **RUDY FICHTENBAUM** (Economics), Wright State University, *ex officio*; **RISA L. LIEBERWITZ** (Law), Cornell University, *ex officio*; **JOAN E. BERTIN** (Public Health), Columbia University, *consultant*; **BARBARA M. JONES** (Legal History), American Library Association, *consultant*; **JAMES TURK** (Sociology), Ryerson University, *consultant*; **IRENE T. MULVEY** (Mathematics), Fairfield University, *liaison from the Assembly of State Conferences*

*Did not participate in the vote.

Appendix

Selection of Professor Salaita's Tweets

The following tweets were provided to CAFT by the counsel for the trustees:

You may be too refined to say it, but I'm not: I wish all the f**king West Bank settlers would go missing. [Note: this statement was in reference to a report that three Israeli teens had been kidnapped and were presumed murdered.] (June 19)

Let's cut to the chase: If you're defending #Israel right now you're an awful human being. (July 8)

By eagerly conflating Jewishness and Israel, Zionists are partly responsible when people say antisemitic sh*t in response to Israeli terror. (July 10)

Zionist uplift in America: every little Jewish boy and girl can grow up to be the leader of a murderous colonial regime. (July 14)

The @IDFSpokesperson is a lying motherf**ker. (July 15)

Do you have to visit your physician for prolonged erections when you see pictures of dead children in #Gaza? (July 16)

"If it weren't for Hamas, Israel wouldn't have to bomb children." Look, motherf**cker, if it weren't for Israel there'd be no #GazaStrip." (July 18)

If #Israel affirms life, then why do so many Zionists celebrate the slaughter of children? What's that? Oh, I see JEWISH life. (July 18)

Zionists, take responsibility: if your dream of an ethnocentric Israel is worth the murder of children, just f**king own it. (July 19)

At this point, if Netanyahu appeared on TV with a necklace made from the teeth of Palestinian children, would anybody be surprised? (July 19)

I repeat, if you're defending #Israel right now, then 'hopelessly brainwashed' is your best prognosis. (July 19)

Zionists: transforming 'antisemitism' from something horrible into something honorable since 1948. (July 19)

F**k you, #Israel. And while I'm at it, f**k you, too, PA, Sisi, Arab monarchs, Obama, UK, EU, Canada, US Senate, corporate media, and ISIS. (July 20)

Ever wonder what it would look like if the KKK had F-16s and access to a surplus population of ethnic minorities? See #Israel and #Gaza. (July 20)

When I am frustrated, I remember that, despite the cigarettes and fatty food, I have a decent chance of outliving #Israel. (July 21)

We can argue into eternity, but in the end this is what matters most: the people in #Gaza are there because they're not Jewish. (July 26)

If you haven't recently been called a terror-loving anti-Semite, then I'm sorry to say your critique of #Israel is totally weak. (July 29)

It's silly when white American kids pretend to be Middle Eastern. It's unconscionable when they go play soldier in the Middle East. (July 31)

#Israel's message to #Obama and #Kerry: we'll kill as many Palestinians as we want, when we want. p.s. fuck you, pay me. (August 1)

Professor Salaita has provided the AAUP the following selection of tweets from the same period:

I absolutely have empathy for Israeli civilians who are harmed. Because I'm capable of empathy, I deeply oppose colonization and ethnocracy. (July 17)

It's a beautiful thing to see our Jewish brothers and sisters around the world deploring #Israel's brutality in #Gaza. (July 18)

My stand is fundamentally one of acknowledging and countering the horror of antisemitism. (July 19)

Those said to be expressing anger are in reality often articulating love for fellow humans who are suffering. #Gaza #FreePalestine. (July 22)

#ISupportGaza because I believe that Jewish and Arab children are equal in the eyes of God. (July 23)

#ISIS and #Gaza make me pessimistic. Seeing so many Jews, Muslims, Christians, and Hindus join to oppose sectarianism gives me great hope. (July 23)

I refuse to conceptualize #Israel/#Palestine as Jewish-Arab acrimony. I am in solidarity with many Jews and in disagreement with many Arabs. (July 27)

I don't necessarily agree with everything being said about #Gaza, but I identify deeply with the pain and sadness people feel right now. (July 31)

Academic Freedom and Tenure: Felician College (New Jersey)¹

(MAY 2015)

I. Introduction

This report concerns the cases of seven faculty members who in late January 2014 received identical letters from the administration of Felician College, notifying them that their appointments would not be renewed when they expired in June and citing “the exigency of the college’s financial status” as the reason for the action. Six of them had been teaching full time at the college for at least eleven years, several for nearly twenty. Although sixteen faculty members had been so notified, only these seven approached the Association, beginning in early June 2014, informing the AAUP’s staff that the notices of termination of their services had come as a complete surprise to them, to their colleagues, and even to some administrators; that, despite the college president’s assertions to the contrary, the college’s own policies regarding termination of appointments had not been followed; and that their efforts to obtain an account of the process by which their appointments had been selected for nonrenewal had been fruitless.

Felician College is a private, four-year institution affiliated with the Roman Catholic Church, with campuses in Lodi and Rutherford, New Jersey, about seventeen and thirteen miles, respectively, from New York City. Established by the Felician Sisters, a Franciscan order, the college first emerged as a freestanding postsecondary institution in 1942, incorporating under the laws of the state of New Jersey as

Immaculate Conception Junior College. In 1967, when it began offering four-year degrees in teacher education, it reincorporated as Felician College. Nine years later it admitted its first male students. The college, which has been accredited by the Commission on Higher Education of the Middle States Association of Colleges and Schools since 1974, offers bachelor’s degrees in some thirty majors; master’s degrees in business, counseling, nursing, and education; and a doctorate in nursing. Departments and programs are organized into four schools—arts and sciences, business, education, and nursing. During the 2013–14 academic year, the college enrolled some 1,700 undergraduate and three hundred graduate students, total enrollment having fallen to that level after having peaked around 2,400 during 2010–11.

In December 2014, the number of faculty members was around two hundred, about half of them part time. All full-time faculty members at the college serve on renewable term appointments with no provision for indefinite tenure. Their contracts contain the following sentence: “In the event that student enrollment during the period of this contract does not warrant the continued offering of courses or services in your professional area, the appointment may be terminated.”

In July 2012, Dr. Anne M. Prisco assumed office as the college’s fifth president, the first who was not a member of the Felician Sisters. President Prisco, who holds a PhD in economics and education from Columbia University, had served in a number of administrative posts at various institutions—most recently as vice president for enrollment management at Loyola Marymount University in California—before assuming the Felician presidency. Her experience as a faculty member included several brief appointments as an adjunct instructor and three probationary years at St. John’s University in New York. When the events of concern in this investigation occurred, the provost and vice

1. The text of this report was written in the first instance by the members of the investigating committee. In accordance with Association practice, the text was then edited by the staff and, as revised with the concurrence of the committee, was submitted to Committee A on Academic Freedom and Tenure. With the approval of Committee A, the report was subsequently sent to the subject faculty members, to the administration of Felician College, and to other persons directly concerned. This final report has been prepared for publication in light of the responses received and with the editorial assistance of the staff.

president for academic affairs was Sister Mary Rosita Brennan, a member of the Felician order. In fall 2014, Sister Rosita retired from that position but continued to serve on the faculty.

The undersigned committee conducted its investigation at an off-campus location on December 17 and 18, 2014, the administration's having declined to cooperate in the investigation and having refused to permit the members of the investigating committee to enter the campus. In addition to interviewing the seven subject faculty members, the committee met with Dr. Edward Kubersky, dean of the School of Arts and Sciences at the time of the terminations, and with one continuing faculty member. The committee spoke by telephone with a second continuing faculty member who wished to explain why he was unwilling to meet with the committee. The AAUP staff had contacted about a dozen individuals whose names had been suggested by the subject faculty members but received responses from only a few who declined to meet with the committee out of a stated fear of retaliation. While the committee would have preferred to meet with more faculty members, those interviewed represented a range of departments and provided substantial documentation before, during, and after the site visit. Although the committee had no direct contact with any current representative of the Felician College administration, it did review the correspondence between the administration, the attorney retained by the college, and the AAUP's staff.

II. Events Leading Up to the Terminations

Several months after taking office, President Prisco initiated "town hall" meetings open to faculty and staff. According to faculty members who attended these meetings, among the issues discussed was a decline in student enrollments. Administrative officers told faculty members that the situation was worrisome but did not share any concrete information or financial data. Individuals interviewed by the investigating committee unanimously agreed that they saw nothing deeply alarming in the enrollment figures or in the financial picture presented by the president or the vice president for finance, Mr. Michael Fescue, at these meetings. Dean Kubersky confirmed to the investigating committee that the financial picture at the beginning of fall 2012 did not differ significantly from earlier situations that the college had weathered successfully.

The possibility of faculty layoffs was not mentioned, and the term *financial exigency* was never used. Although the college is tuition dependent, it

had successfully managed enrollment fluctuations in the past without laying off faculty members. Those with whom the investigating committee spoke did, however, expect that as had occurred following past financial downturns, the administration would soon announce freezes in salaries and in new faculty appointments, including replacements for faculty retirements, and cuts in the college's TIAA-CREF contribution. Several faculty members also recalled the president's having reported a reduction in the number of vice presidents and staff positions during the 2012–13 academic year. Throughout that year and into fall 2013, the president and the vice president for finance told members of the Felician community that all would need to tighten their belts and work with admissions to recruit more students.

During this period, Professor Robert Ingoglia met with Sister Rosita to express his concern about the staff members who were laid off in 2012–13. Sister Rosita told him that as long as she was in her position, full-time faculty members would be safe. She noted that in the last nineteen years only two faculty members had been laid off. In addition to the town hall discussions, meetings of the chairs, of departments, and of the full faculty continued to be held. According to all with whom the investigating committee spoke, no discussion of the possibility of faculty layoffs or of financial exigency took place at any of the meetings they attended.

Then, in August 2013, President Prisco initiated an "academic program prioritization process" with the assistance of consultant Dr. Robert C. Dickeson and his firm, Academic Strategy Partners (ASP).² The process involved deans and senior administrators, as well as a faculty committee of twelve members appointed by the president from candidates nominated by the faculty. The resulting report, which was completed in four months, ranked the college's thirty-eight programs into five quintiles based on each department's perceived strengths and weaknesses. Programs in the lowest quintiles were to

2. The Association has had abundant experience with Dr. Dickeson's career over several decades as a consultant to colleges and universities that undertake his "prioritization process" for "streamlining" academic programs through discontinuing courses and reducing tenured positions in ways that disregard Association-supported standards of academic freedom, due process, and governance. For the AAUP's most recent published account of his activity, see "Academic Freedom and Tenure: National Louis University (Illinois)," in *Bulletin of the American Association of University Professors* (special issue of *Academe*), July–August 2013, 18–20, and footnote 2.

be candidates for reorganization or discontinuance. Departments had six weeks to prepare their reports, and the rankings were made public in January, four months after the start of the process.

The “Felician College Success Story” posted on the ASP website described the prioritization process as “an institution-wide assessment of campus operations with an eye toward improving quality, streamlining processes, and assuring a more sustainable financial model.” It noted that it was completed in a “record time” of four months and credited that accomplishment, among other things, to the president’s “strong sense of urgency.”

Faculty members reported that they did not associate program reorganization and discontinuance, the stated goals of the process, with the termination of faculty appointments but rather with the repositioning of faculty members in newly organized departments. As they understood it, the prioritization process was intended to identify programs’ strengths and weaknesses and was supposed to lead to programmatic changes for the good of the institution. Some faculty members considered it a reasonable undertaking, because they suspected that Felician had been attempting to offer too many programs. They believed that an exercise to rank departments, if it were carried out with integrity, could be useful to make programmatic changes that would strengthen the institution. Others considered a consultant-led process an unnecessarily costly exercise in a time of belt tightening. All appeared concerned with the rush to complete an undertaking that could have profound implications for the educational mission and academic structure of the college. At a meeting in early November 2013, the faculty in arts and sciences sought to confirm its understanding of the process and directly asked Dean Kubersky if the administration was planning to eliminate full-time faculty positions as an outcome. After speaking to Sister Rosita, the dean reported to his faculty that there were no plans to let any faculty members go.

Near the end of November 2013, however, Sister Rosita informed the deans that the president had directed her to compile a list of full-time faculty members whose appointments were to end effective June 20, 2014. She was to develop the list in consultation with the deans over several meetings and submit it to the president for her final decision by Christmas vacation. Dean Kubersky expressed alarm at the “sudden and drastic” nature of this course of action, telling Sister Rosita and, subsequently, the president that he could not participate in compiling the list. As

Dean Kubersky informed the investigating committee, he was unaware of any prior administrative statement about cutting faculty appointments or about a state of financial exigency. And, he also informed the committee, he was unaware of any clear set of criteria for identifying faculty members. As far as he knew, only the deans had been informed that such a list was being drawn up; the administration had not consulted with department chairs. Sister Rosita reportedly told the deans that the actions were necessary to cut costs, were essential for Felician’s survival, and were being taken not as a result of the prioritization exercise but rather because the college had more full-time faculty members than comparison institutions.³

III. The Letters of Appointment Termination

In January 2014, sixteen full-time faculty members received letters notifying them that their appointments would not be renewed when they expired on June 20, 2014. The seven faculty members whose cases have occasioned this investigation received identical letters, dated January 21 and signed by Sister Rosita, notifying them of the nonrenewal of their appointments and ascribing the decision to “the exigency of the College’s financial status” caused by declining enrollments in the previous two years. The letter suggested that they might “wish to refer” to the faculty severance policy in the *Felician College Faculty Handbook*. The letter also stated that the academic prioritization process had “assisted” the administration “in identifying the strengths and limitations of each academic program and department,” but it did not in any way specify why particular faculty members had been selected for appointment termination.

When he received the provost’s January 21 letter, Dr. Fahmi Abboushi was an associate professor of computer science with sixteen years of full-time service. Dr. Charles Barton, associate professor of mathematics and chair of the mathematics department, had accepted his first full-time appointment in fall 2003 and was thus in his eleventh year at the college. Professor Nancy Brey, who had begun as a part-time instructor in the college’s School of Nursing in 1993, eventually served full time for fifteen years, first as an assistant professor of nursing and

3. Dean Kubersky and many faculty members with whom the investigating committee met expressed sympathy for Sister Rosita. They spoke of having had warm and respectful relationships with her. They believed that she, as a Felician sister, felt bound by orders from the president to participate in terminating the sixteen appointments.

subsequently as an instructor with a split appointment between nursing education and psychology. Dr. Robert Ingoglia, professor of history in the Department of History and Social Sciences, had served full time at the college for nineteen years. Dr. David Molnar, an assistant professor of mathematics, was in his fourth year of service. Dr. John Monopoli, an associate professor of psychology, had been on the faculty for fourteen years. Dr. Yvonne Raley was an associate professor in the Department of Philosophy with eighteen years of service, thirteen of them full time.

The letters were sent by overnight mail on January 23. On January 24, in a meeting of the chairs in arts and sciences, Sister Rosita informed them that sixteen nonrenewal letters had been sent, but she did not reveal the names of the recipients. A former department chair interviewed by the committee asked if he could advocate for the reinstatement of a department member, if necessary. Sister Rosita told him that the decisions would not be reconsidered, a response he characterized as “a flat no.” He found it surprising that Sister Rosita did not refer to the college’s Faculty Grievance Committee, which is explicitly charged with hearing grievances involving nonrenewal of appointments. She told the attending chairs that the nonrenewals had been carefully considered with the assistance of legal counsel and that the decisions were “airtight.” Ironically, this department chair was one of the sixteen faculty members who received letters of termination at their homes later that evening. Thus, as faculty members confirmed to the investigating committee, it was not until January 24 that department chairs, who had not been consulted at all in the matter, became aware of the termination letters. Several affected faculty members have e-mail messages from their chairs attesting to this fact.

Confirming the claims that the nonrenewals were completely unanticipated is a February 10, 2014, letter that the college’s Ad Hoc Committee on Shared Governance presented to the faculty assembly.⁴ The letter reacted to news of the terminations as follows:

We faculty opened our Felician e-mail on January 26 and saw the first message: a colleague had received a letter informing her that, for reasons of “financial exigency,” her contract would not be renewed for the following year. Messages from other faculty with the same news followed, and by Monday we knew that 16 of our colleagues had

lost their jobs. There had been no indication from the Administration that such an action was in the works; the letters came out of the blue. None of the 16 had been spoken with earlier about the decision: though chairs had been told on Friday the 24th that some faculty were to be ruffed, they were not told who those faculty members would be. The whole process was secretive, sudden, and shocking, and understandably, the faculty mood has been one of depression and anxiety.

The authors went on to cite at length AAUP-recommended standards on termination of appointments under conditions of financial exigency and to ask the administration to address those standards “by providing a hearing for all terminated faculty,” by “demonstrat[ing] that Felician is truly in a state of financial exigency by providing full access to the pertinent financial documents,” and by “explain[ing] how and why those terminated were chosen and whether any faculty were consulted in the decision.”

Throughout spring 2014, Felician faculty members, both those affected and those not affected, asked repeatedly and in every possible venue for information about the criteria used to determine which faculty members had been selected for appointment termination. In response, administrative officers said repeatedly that they could not and would not disclose them.

IV. The AAUP’s Involvement

Professor Robert Ingoglia, who sought the AAUP’s assistance on June 3, 2014, was the first of the sixteen affected faculty members to approach the Association. In the weeks to follow, six more affected faculty members asked the AAUP’s staff to include their cases when conveying the Association’s official concerns to the Felician College administration. When the investigating committee asked these individuals to explain their delay in contacting the AAUP, one of them stated that she felt completely vulnerable between January and June 2014, when her appointment expired, and feared that raising any issues about her nonrenewal would result in immediate termination. Others expressed their belief, based both on Sister Rosita’s statement at the January 24 meeting and on the unwillingness of the administration even to engage in a discussion of the criteria used, that the president would never reconsider her decision. Others were too distressed to act alone and only later considered acting in concert with similarly affected faculty members.

4. For the letter’s context, see section V.F, below.

A July 25 letter from the AAUP's staff to President Prisco focused on two issues: the inadequacy of the procedures leading to the decision to terminate appointments for financial reasons and a failure to afford the protections of academic due process to these seven faculty members, six of whom, under Association-supported standards, were entitled through length of full-time service to the procedural protections of tenure. The letter urged that Professor Molnar, with four years of full-time service, be either immediately reinstated to his appointment or paid six months' additional salary in lieu of adequate notice and that the six faculty members who had served beyond the maximum probationary period be either immediately reinstated or provided settlements they found acceptable.

President Prisco, responding by letter of August 14, stated that Felician College was an institution at which "academic freedom flourishes," but not through conforming to AAUP-recommended principles and standards. Instead, she wrote, "Felician has always understood that we are free to implement and follow policies of our choice and have done so in this instance." She asserted that the procedures followed in reaching the decision to terminate appointments were "fair" and treated the institution's "valued faculty" with "the respect they have earned." Most of the letter provided her account of what those procedures had entailed but did not directly address the Association's concerns and the urged resolutions.

The AAUP's staff responded on September 19, pointing out, among other things, that AAUP-recommended standards were, in fact, among "the policies and procedures set forth in the Felician faculty handbook" to which President Prisco had referred:

On page 45 of the handbook begins the section entitled "Faculty Rights and Privileges." The first sentence reads, "Felician College affirms and is guided by the ideal that all faculty, full-time or part-time, are entitled to academic freedom as set forth in the 1940 *Statement of Principles on Academic Freedom and Tenure*, jointly formulated by the American Association of University Professors and the Association of American Colleges." The next five paragraphs of the handbook consist of verbatim quotations from the 1940 *Statement* for the purpose of defining, according to the handbook, "what is meant by academic freedom" at Felician College. If the language on page 45 of the handbook

does not constitute an endorsement of AAUP-recommended standards on academic freedom, it is not clear to us how else to characterize it.

The staff's letter also noted that the 1940 *Statement* referenced in the Felician faculty handbook provides that, "[a]fter the expiration of a probationary period, teachers or investigators should have permanent or continuous tenure, and their service should be terminated only for adequate cause, except in case of retirement for age, or under extraordinary circumstances because of financial exigencies," and that the actions taken against six of the affected faculty members appeared to violate this provision. The letter rejected President Prisco's suggestion that "the context for the administrative decisions" she provided in her letter of August 14 should have satisfied the AAUP's concerns "and the concerns of the affected faculty," asserting that, "if anything," her information had only "increased those concerns." The letter closed by noting that the staff would be in further communication when the Association had determined its next course of action.

That action followed on October 24 when the staff wrote to inform President Prisco that the Association's executive director had authorized an investigation into the actions taken by the Felician College administration in separating the seven subject professors from service, because these actions raised important issues relating to academic freedom, tenure, and due process as well as to the faculty's role in academic governance.

In subsequent correspondence between the college and the AAUP's staff, the college was represented by Mr. Angelo J. Genova, an attorney whose firm the college had retained as general counsel. Mr. Genova informed the staff that, because the subject professors had retained an attorney, the administration would no longer be communicating with the AAUP about their cases. Questioning the authority of the AAUP to conduct its "purported investigation," he stated that the administration declined to participate and, further, did not "condone the use of any College buildings, facilities, or resources by the AAUP for these self-serving purposes." The investigating committee did not find these subsequent communications between the college and the AAUP relevant to its inquiry, with the exception of the staff's clarification to the Felician president and attorney that the "AAUP's clients . . . are not the individual professors" but "the principles and procedural standards that the Association has striven to implement over the course of a century."

On or around December 4, the Felician College e-mail server began rejecting all e-mail messages originating from the *aaup.org* Internet domain with the message “Sorry, your e-mail address . . . has been blacklisted.”

V. Issues of Concern

The investigating committee identified the following matters as of primary concern.

A. Academic Due Process

Under Regulation 1b of the AAUP’s *Recommended Institutional Regulations on Academic Freedom and Tenure*, all full-time faculty appointments, excluding special appointments clearly limited to a brief association with the institution, are either tenured or probationary for tenure, regardless of how the faculty member’s institution may designate them. While Felician College chose not to designate its full-time faculty appointments as either probationary or tenured, the college was clearly at odds with AAUP standards in denying the protections of academic due process to faculty members who were, by these standards, in the position of probationary or tenured faculty members.

Professor Molnar, with four years of service, was entitled under AAUP-recommended standards to the protections of academic due process afforded to probationary faculty members, as set forth in *Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments*.⁵ These standards require that a recommendation not to renew an appointment be made by an appropriate faculty body in accordance with procedures approved by the faculty, after the candidate has been afforded the opportunity to submit all relevant materials. They also require that the faculty member be given timely notice of nonrenewal; a written statement of the reasons for the decision, if requested; and the opportunity to appeal it to a duly constituted faculty body.

Professors Abboushi, Barton, Brey, Ingoglia, Monopoli, and Raley, all having served well beyond the seven-year maximum period of probation, were entitled to the procedural protections that accrue with indefinite tenure, as set forth in the 1940 *Statement of Principles on Academic Freedom and Tenure*. These protections require an administration to demonstrate

adequacy of cause for dismissal in an adjudicative hearing of record before an elected faculty body.

B. Financial Exigency

The 1940 *Statement* and Regulation 4 of the *Recommended Institutional Regulations on Academic Freedom and Tenure* make clear that the services of faculty members with continuous tenure may be terminated only for adequate cause or, in extraordinary circumstances, for bona fide financial exigency or bona fide program discontinuance for educational reasons. Regulation 4c defines financial exigency as “a severe financial crisis that fundamentally compromises the academic integrity of the institution as a whole and that cannot be alleviated by less drastic means” than terminating faculty appointments.

While the January 21, 2014, letters of termination claimed that “the cause of this decision” was “the exigency of the College’s financial status,” as far as the investigating committee can ascertain, President Prisco publicly used the words “financial exigency” for the first time on Monday, January 27, 2014, in a town hall meeting at which she confirmed that sixteen full-time faculty members had received letters of non-renewal. According to faculty members interviewed, the president did not mention the exigency of the college’s finances in any subsequent meetings held that spring semester. When asked about the terminations, President Prisco referred to the need to reduce the faculty-to-student ratio because of financial pressures caused by enrollment declines and, more specifically, to the need to reduce the number of *full-time* faculty members, which she said was high in relation to that of comparison colleges. She did not provide faculty members with any documentation for these claims.

In her August 14 response to the first letter from the AAUP’s staff, President Prisco mentioned a significant enrollment decline and described the financial situation as “challenging” and in need of stabilization. She did not mention financial exigency. The investigating committee does not question that enrollment declines creating financial pressures occurred in fall 2012 and again in fall 2013. From a high total enrollment of 2,301 students in fall 2011, enrollment fell by 192 students in fall 2012 and by an additional 176 students in 2013. At a May 20, 2014, arts and science faculty meeting, four months after the notices of terminations went out, Vice President Fescue explained that by October 2013 the college knew it was facing a \$2 million shortfall. Evidence demonstrating that this deficit constituted a “severe financial crisis” that

5. Under Felician College’s policies, Professor Molnar was not regarded as a probationer, having achieved “established” status in fall 2013 after three years of probation. No due-process rights, however, were attached to established status. See section V.E, below.

“fundamentally compromised the academic integrity of the institution,” however, was not available. According to faculty members, the Felician administration did not routinely share detailed financial information with the faculty, or even with department chairs, and declined to provide it when requested.

In early March 2014, two months after the notifications of termination, Dr. William Back, vice president for institutional advancement, did not paint a dire picture of Felician’s finances. The March 6 issue of *NorthJersey.com* quoted him as saying, “Here at Felician College we aren’t in any kind of critical state as far as declining enrollment. In fact, our enrollment project[ion]s are trending upward from where we are currently.”

After the terminations, the administration published a “Strategic Plan 2014–2019” with initiatives that included seeking university status, adding doctoral programs, renovating the student center (to be finished spring 2016), completing the Education Commons building on the Rutherford campus, and establishing a school for continuing education and professional studies.

The strategic plan certainly did not suggest that a condition of financial exigency was looming, and at no time—either before or after the terminations—did the administration attempt to document that such a condition existed. There is no evidence that the decline in enrollment constituted a “severe financial crisis,” let alone one that “fundamentally compromise[d] the academic integrity of the institution.” Any decisions based on the purported financial exigency were made without faculty involvement. Casual reference to financial exigency in order to justify terminating faculty appointments assuredly does not meet the AAUP’s recommended standards.

Even if Felician College, in compliance with Regulation 4c of the *Recommended Institutional Regulations*, had established that a severe financial crisis threatened its academic integrity, that fact alone would not have provided sufficient justification for terminating faculty appointments. The institution still had to show that it could not respond to the financial crisis by less drastic means than the termination of faculty appointments. The administration made no attempt to demonstrate that the college could not alleviate the financial situation by less drastic means. At the May 20, 2014, meeting at which Vice President Fescue revealed the \$2 million shortfall, faculty members asked him how much money the administration saved by releasing the sixteen full-time faculty members. His answer was

\$1.6 million, suggesting that the reduction in full-time faculty made up 80 percent of the \$2 million shortfall. There certainly was no discussion involving faculty members or deans about less drastic ways of responding to the enrollment decline than a 14.5 percent reduction in the college’s full-time faculty members.

In her August 14 letter to the AAUP’s staff, President Prisco revealed one reason for targeting full-time faculty members for nonretention when she referred to a comparative study of full-time faculty-to-student ratios “at approximately 20 institutions of higher education in our region.” No one with whom the investigating committee spoke was aware of this study or of its finding “that Felician was supporting one of the lowest ratios in the group, second only to Princeton University.” President Prisco wrote, “Given its fiscal climate and financial challenges, it was determined that this skewed, below the norm ratio was no longer sustainable at Felician. This data set affirmed the need to take a hard look at reducing the number of full-time faculty positions.”

Instead of responding to the enrollment declines in a way that would have preserved faculty positions, the administration apparently had determined that an imbalance existed in the ratio of full-time faculty to students, and, when enrollments (and revenue) fell, that imbalance became a justification for reducing the number of full-time positions.

The administration also departed from the AAUP’s recommended procedural standards for identifying individuals whose appointments are to be terminated under conditions of financial exigency.

Regulation 4c(1) of the *Recommended Institutional Regulations* requires that

[t]he faculty or an appropriate faculty body should exercise primary responsibility in determining the criteria for identifying the individuals whose appointments are to be terminated. These criteria may appropriately include consideration of length of service.

The responsibility for identifying individuals whose appointments are to be terminated should be committed to a person or group designated or approved by the faculty.

As noted above, in her August 14, 2014, letter to the AAUP’s staff, President Prisco stated that the procedures followed in reaching the decision to terminate appointments were “fair” and treated the institution’s “valued faculty” with “the respect they have earned.” In fact, the process did not involve faculty members in

determining the criteria or in identifying the individuals whose appointments were to be terminated. The twelve-member prioritization committee mentioned earlier, for example, performed its task from August to December 2013, when it issued its report and disbanded. Hence, while this administratively appointed faculty committee was engaged in making recommendations that were never implemented, the administration was independently drawing up its list of appointments for termination.

In his meeting with the investigating committee, Dean Kubersky, who watched the process unfold in fall 2013, emphasized that unfairness and lack of faculty involvement rendered it “fatally flawed.” According to him, the administration introduced the deans to the president’s mandate to create a list around Thanksgiving 2013, when Sister Rosita asked them to identify faculty members whose appointments would be terminated. The list of faculty members who were to receive nonrenewal notices was developed over several meetings. Sister Rosita was the arbiter of the “final” list, which may have existed by Christmas, although the investigating committee does not know if this version matched the president’s final one.

While he did attend all of these meetings, Dean Kubersky told Sister Rosita and the president that he would not participate in this exercise, except to provide the provost with what he called “public information” on the sixty-six faculty members in his division. (When pressed by Sister Rosita and President Prisco to participate in identifying individuals to be laid off, Dean Kubersky provided Sister Rosita access to complete faculty files, including retention documents and any other correspondence. Asked by Dean Kubersky if she had gone through those files in drawing up the list of faculty members in arts and sciences for nonrenewal, Sister Rosita said she had not, because adequate time to do so was lacking, an appraisal with which Dean Kubersky agreed.)

Dean Kubersky informed the investigating committee that he knew of no clear set of criteria that resulted in the list of names. Also, as far as he knew, no one except the deans was aware that a list was being drawn up in late fall 2013.

Dean Kubersky retired from Felician College effective at the end of January 2014 because, in his own words, he did not want to “preside over a decimated and demoralized faculty.” Subject faculty members expressed deep appreciation for his actions, calling them honorable and describing him as “a man of integrity,” saying, “He pulled through for us in the

end.” Dean Kubersky agreed completely with the sentiment expressed by some of the subject faculty members—that it was unbearably sad to witness the effects of the terminations and of the way in which they were carried out at an institution like Felician College, where so many in the academic community tried to live up to Franciscan values.

Faculty members were assured that the terminations were not tied to performance. Confirming this, the February 25 issue of *NorthJersey.com* quoted Vice President Back as saying, “It’s not that anybody did anything wrong or that they were poor performers.” The investigating committee reviewed recent evaluations for several of the subject faculty members, and all were extremely positive.

The termination letters allude to the prioritization process, asserting that it had “assisted . . . in identifying the strengths and limitations of each academic program and department,” but there is no evidence that the results of the prioritization process informed the decisions. On the contrary, departments rated in the top quintile (philosophy, computer science, and mathematics) lost faculty members despite high enrollments and, in some cases, heavy reliance on part-time faculty members. None of the subject faculty members was from departments in the lowest quintile, making the administration’s reference to the academic prioritization process in the nonrenewal letters puzzling. The mathematics department (ranked in the top quintile) seemed particularly decimated for curricular purposes: before the terminations, it had seven faculty members, three with PhDs in mathematics, and, afterward, it had four faculty members, one with a PhD.

Dean Kubersky confirmed to the investigating committee that the academic prioritization process was supposedly not intended to lead to terminations and that selection of appointments for termination had no connection to the results of that process. The stated purpose of the prioritization process was to strengthen departments, while the effect of the terminations, he asserted, was to weaken them.

As noted above, the letters of termination did not in any way specify why particular appointments were selected. Throughout spring 2014, Felician faculty members asked for an explanation of the criteria. Administrators told the faculty that criteria existed, but that they needed to remain secret; that the faculty was not entitled to review the secret criteria, but that the secret criteria were fair. After a January 27 town hall meeting, at which the president confirmed that sixteen faculty members had been sent letters

of termination, Professor Yvonne Raley, one of the subject faculty members, asked Sister Rosita why these individuals had been selected, and Sister Rosita responded, “We thought some people would land on their feet.”

C. Terminal Salary or Notice

The 1940 *Statement* and Regulation 8 of the derivative *Recommended Institutional Regulations* specify that full-time faculty members beyond their second year of service selected for involuntary release, whether through nonreappointment, layoff, or dismissal for cause (excepting discharge for moral turpitude), should receive twelve months of notice or at least one year of severance salary. The sixteen affected Felician faculty members received only five months of notice.

D. Felician College Policies

The investigating committee identified the following provisions of the *Felician College Faculty Handbook* implicated by the administration’s actions.

1. Faculty Severance Policy

The letters of termination state that the recipients might “wish to refer to the Faculty Severance Policy found on page 67ff of the Faculty Handbook.”

That policy enumerates three types of nonrenewal of appointment, of which only one is relevant here: “Non-renewal of appointment for administrative reasons is related to an administrative need of the College such as: cancellation or redirection of a program, declining enrollment, financial exigency, or over-staffing.” If a reduction in faculty is planned, a number of procedures are to be followed, including the following:

- A discussion, as soon as possible, among members of the Administration, Division Dean, Associate Dean and Department Chair of the affected department.
- Mutual consideration of possible alternate assignments for affected faculty members.
- Notification of affected faculty member(s) as early as possible; however, no later than the schedule outlined above except in cases of extreme financial exigency. [The relevant provision in the referenced schedule is “Ordinarily, full-time faculty members with three or more years of service would receive a one-year notification before the expiration of the appointment.”]

The committee’s investigation confirmed that the administration of Felician College did not follow these mandated procedures. As noted earlier, no discussions that included a departmental viewpoint took place, and department chairs, along with the rest of the Felician faculty, first learned who had received termination letters from e-mail messages sent by the affected faculty members themselves, beginning the day after they received their notices.

Certainly, “mutual consideration of possible alternative assignments for affected faculty members” did not occur. While the investigating committee heard that several of the sixteen affected faculty members had been rehired, the administration made no special effort to explore current or anticipated alternatives at the college. It was not enough to direct the affected faculty members to meet with Sister Rosita, their dean, and the director of human resources, as was done in the nonrenewal letters. Professor Ingoglia provided documentation of his attempts to obtain clarification on the handbook-mandated “mutual consideration of possible alternate assignments for affected faculty members.” He met with Sister Rosita, Dean Kubersky, and Ms. Virginia Topolski, director of human resources, in late January to discuss an alternate assignment in the college. During the meeting Ms. Topolski said that she would get back to him. In May, four months later, not having heard from her, he wrote to Sister Rosita, who directed him to contact Ms. Topolski, whose response one day later was pro forma and dismissive.

The investigating committee was told that a number of faculty positions at the time of the nonrenewals remained unfilled, but the committee does not know if the administration decided to cut these unfilled positions and, if not, whether they would have been available for occupancy by the affected faculty members. (If these positions indeed were cut, then full-time faculty positions would have been reduced by more than 14.5 percent in fall 2014.) For example, one full-time faculty member had announced his retirement from the philosophy department on January 8, 2014, and another full-time faculty member in the department resigned on January 16, 2014. If these positions had been open, then Professor Raley could have been retained; if they were not, then the philosophy department lost three full-time positions. No one discussed with Professor Raley the current or future hiring plans of the philosophy department. Professor Abboushi had transferred from the School of Education to the School of Arts and Sciences in fall 2013, but

the graduate program in teacher education in the School of Education where he had formerly served advertised for graduate faculty on the Felician website in fall 2013. In June 2014, another full-time faculty member in the graduate program resigned. His former program thus appeared to have had three full-time vacancies. Again, it is not clear whether these positions were cut, were reduced to part-time positions, or were filled by new full-time appointees. No one discussed with Professor Abboushi any current or future possibilities for another suitable appointment in the college.

The subject faculty members received five months of notice. As mentioned earlier, the Felician College faculty handbook mandates one year of notice, except in cases of “extreme financial exigency,” which, as the committee has already determined, did not exist.

The administration of Felician College therefore acted in disregard of the college’s own severance policy.

2. The Faculty Grievance Committee

The responsibilities of the Faculty Grievance Committee, outlined in Appendix T of the faculty handbook, include hearing grievances on “renewal of contract,” with such grievances being limited to “allegations that College policies or procedures have been violated or that an administrative decision has been rendered unfairly or improperly.” The committee is an elected faculty body authorized to make recommendations that are binding if accepted by the involved parties. If they are not accepted, recommendations go to the president, whose decision is final.

At no point did the administration refer the affected faculty members to the college’s internal grievance process—neither in the termination letters nor in conversations with them. None of the sixteen faculty members chose to file a grievance with the college’s committee. Explanations for not having filed a grievance varied among the seven faculty members. Professor Abboushi, a past chair of the grievance committee, said that once financial exigency had been declared, he believed he had no grounds for an appeal. One faculty member said she was “in shock” and felt like a “throw-away” continuing to teach her five classes with the clock ticking down to June 20. Several of the faculty members believed that filing a grievance would be a waste of time and effort. “Why bother?” they said they asked themselves, knowing that the president would render the final decision and that Sister Rosita (as noted earlier) had stated that the decisions were final and airtight.

On the committee’s further questioning, however, it also became clear that they feared for their colleagues on the grievance committee who would have had to hear and rule on any grievance. One wrote, “I was afraid that if my fellow faculty members ‘found’ for me, they would incur the wrath of the president. Once I had been terminated, fellow faculty members avoided me like the plague. In spite of this, I did not want anyone else to suffer.” This concern was not misplaced. As late as May 2014, faculty members inquired of the vice president for finance if there was another list of faculty members whose appointments were to be terminated.

That not one of the sixteen affected faculty members sought redress through the internal grievance process speaks to the finality with which the termination decisions were conveyed and perceived, as well as to the intense climate of fear that the sudden dismissals engendered.

3. Faculty Emeritus Policy

To be considered for emeritus status at Felician College, a faculty member must have served full time at the institution for a minimum of ten years. If, in addition, the candidate had received an earned doctorate and had attained the rank of full professor, the bestowal of the honor was, essentially, automatic and, according to the faculty handbook, involved the Promotions Committee only in order to verify that the three requirements had been met. Any faculty member, including the candidate, can initiate the process.

Professor Ingoglia possessed an earned doctorate, became a full professor in 2008, and taught full time at Felician well over ten years. (During his nineteen years at the college, in addition to teaching courses in history, Latin, and interdisciplinary general studies, he had been director of the college’s computer laboratories, an assistant in the institutional research office, a weekend librarian, college webmaster, assistant to the academic vice president, and editor and publisher of the undergraduate and graduate catalogs.) He submitted the documentation for professor emeritus status to Sister Rosita on April 3. That same day she responded that she had already submitted his name to the Promotions Committee, which, she stated, supported the application, and that “[t]echnically there should be no problem” since his application met “the criteria from the faculty handbook.” On June 23, three days after his last day as a Felician College faculty member, Professor Ingoglia received an e-mail message from Sister Rosita

informing him as follows: “The president and board did not approve your request for emeritus status.”

The only explanation provided to Professor Ingoglia for the denial of his application was that the president had decided not to grant him emeritus status. Earlier, Professor Ingoglia had been assured that the termination of his appointment as an active faculty member had had nothing to do with performance, and, in fall 2013, he had received perfect scores on his last retention evaluation. He had been told that his appointment termination was attributable solely to the financial troubles of the college, and yet the conferral of emeritus status, which in his case should have been automatic, was withheld. While emeritus status can be seen as merely honorific, it would have benefited Professor Ingoglia in his career and in his search for another position. Since professor emeritus status included library privileges, Professor Ingoglia could have continued to use the college library to engage in scholarship, and the notation of emeritus on his curriculum vitae would have signaled to prospective employers that his termination had not been performance related. He was clearly harmed by having been denied emeritus status.

Although the investigating committee cannot prove a direct connection, Professor Ingoglia was the only Felician faculty member to be quoted in press accounts about the layoffs.⁶ It is difficult to see President Prisco’s denial of emeritus status to Professor Ingoglia as anything other than retaliatory. Not only did it violate the relevant provisions of the *Felician College Faculty Handbook*; it was astonishingly petty and punitive.

E. The Climate for Academic Freedom

As has been noted earlier in this report, all full-time faculty members at Felician College serve on renewable term appointments with no provision for indefinite tenure. Under the faculty handbook, a “Faculty Retention Evaluation Process” divides the full-time faculty into two groups: “probationary” faculty members, who have served fewer than three years, and “established” faculty members, who have served beyond three years. Probationary faculty members are evaluated annually until, after three years of service, they achieve “established status.” Thereafter, full-time faculty members undergo

evaluation every three years. While not officially seen as tenure, the milestone of established status had meaning for the faculty members with whom the investigating committee spoke. They considered it a reciprocal commitment between established faculty members and the college. It was clear to the investigating committee that faculty members trusted that the college would honor this reciprocal commitment based on their belief that the Franciscan values that ostensibly guided the institution would also ensure the protections of academic freedom and academic due process. Unfortunately, once President Prisco took office, this trust became misplaced.

Despite serving on renewable term appointments, faculty members with whom the investigating committee spoke felt that before President Prisco took office, they could question decisions made by the administration and the administration would respectfully listen and respond. Professor Ingoglia said that he was not afraid to speak his mind on any issue prior to President Prisco’s tenure and that his outspokenness sometimes resulted in the administration’s changing its position on issues. It appears that some faculty members played the critical role of “loyal opposition” and felt safe doing so. Professor Molnar recounted his dean’s informing him that established faculty status meant that it was extremely rare to lose one’s job; it was this sense of security that led faculty members to speak freely. While decision making was clearly top-down at Felician, faculty members described the college as a place where they were free, within bounds, to express their views and ask questions.

Faculty members, however, did express frustration with being left in the dark about enrollment, financial, and building planning, even before President Prisco took office. In these areas they often felt deprived of enough information even to question the administration’s decisions. A faculty member reported having inquired at an open meeting about enrollment targets and, after the meeting, being called to task by a vice president, who told him that it was inappropriate for a faculty member to ask such a question.

Since Dr. Prisco assumed the presidency, the climate for academic freedom has steadily chilled. Faculty reported that throughout spring 2014, after the sixteen terminations, the hallways became silent, a stark contrast to the previous lively interactions among faculty colleagues, and questions at faculty meetings ceased. Most faculty members at Felician were apparently afraid to express, and did not expect colleagues to express, views of which the administration may not

6. See Colleen Flaherty, “Faculty Members at Struggling Colleges Say They Were Blindsided by Cuts,” *Inside Higher Ed*, March 18, 2014, <https://www.insidehighered.com/news/2014/03/18/faculty-members-struggling-colleges-say-they-were-blindsided-cuts>.

have approved. As noted earlier, some current faculty members who declined to meet with the investigating committee said they did so because they feared retaliation. Several of the affected faculty members told the investigating committee that living and teaching Franciscan values had once been genuine at Felician and that people had been kind and respectful to each other. As for the present, in the words of one, “Prisco broke” that culture.

The investigating committee heard remarkable stories of continuing dedication to students despite the atmosphere of fear and sadness. Even though the subject faculty members felt isolated and humiliated, they continued to be accessible to their students. One said, “I consider it a good day when I help students with their math.”

As mentioned before, the unwillingness of unaffected faculty members to meet with the investigating committee was not surprising, even less so considering a December 3 e-mail message from President Prisco. Having the evident purpose of discouraging faculty members and current as well as former administrative officers from meeting with the investigating committee, it read:

Several members of our Felician College community have received written communication from the American Association of University Professors (AAUP) regarding a purported “investigation” the AAUP intends to conduct on campus later this month.

As many of you may know, Felician College has no affiliation with the AAUP. So its authority to initiate what amounts to a self-serving “investigation” of the college’s affairs is questionable, at best, and certainly lacks any Felician imprimatur, at worst.

[In an apparent reference to a letter from attorney Genova to the AAUP’s staff on December 3 objecting to the investigation:] We take seriously our duty to protect confidential information from disclosure to unauthorized third parties; therefore, I have notified representatives of the AAUP that Felician College has declined the invitation to participate with its “investigation.”

President Prisco ended her letter by assuring her readers that “no member of Felician College is under any obligation to facilitate or participate in the AAUP’s ‘investigation,’” recommending that those with questions should contact their “respective Felician College vice president.”

The investigating committee also learned that the administration had informed faculty members that if they spotted the members of the AAUP’s investigating committee on campus, they were to notify the security office, and security officers would escort them off the premises.

A thriving academic institution cannot exist without academic freedom, which requires an atmosphere of openness so that the not-always-easy discussions between the faculty and the administration on matters affecting the academic life of the institution can take place. The investigating committee found that before the appointment terminations, while many decisions were made without faculty involvement, most did not fear retaliation for asking questions about those decisions. The behavior of unaffected faculty members in spring 2014, as observed by the affected faculty members, indicated that fear of reprisals through further terminations had stifled questioning and dissent.

F. Shared Governance

Genuine shared governance requires appropriate structures, adherence to the structures in letter and spirit, conscientious participation in the structures, and trust. *The Felician College Faculty Handbook* appropriately gives the faculty authority over admission requirements, academic courses and programs, academic policies and regulations, and graduation requirements. A section of the handbook explains that faculty members “should value their association with the institution and strive to improve the effectiveness of the College through willing and thoughtful participation in its governance.” The handbook provides for a variety of standing faculty committees: curriculum, distance learning, faculty development, library, promotions, student affairs, and grievances, with provision for establishing other committees as needed. The structure does not appear to call for faculty participation in areas such as financial affairs or long-range planning.

The handbook defines the faculty assembly, a regular meeting open to all faculty members, as a non-policy-making forum that promotes collegial exchange among faculty members. While senior administrators do not hold membership in the faculty assembly, associate deans do. Attendance at faculty assembly meetings is not required, and the investigating committee was told that its meetings were poorly attended, with fifteen to twenty faculty members ordinarily present, of a full-time faculty of over one hundred. The assembly is chaired by one of the four elected faculty members of the faculty council. A goal is for faculty

members to see the faculty assembly meetings as a safe environment in which to discuss their concerns, which are then brought to the full faculty council anonymously by the council's faculty representatives.

The full faculty council consists of four senior administrators, who are ex-officio members, and elected full-time faculty representatives from each school. It has a wide-ranging charge: proposing policies, practices, and procedures governing the status and welfare of the faculty. Instead of the usual majority rule, motions proceeding from the faculty council require consensus before being presented to any constituency outside the council.

The investigating committee understands that some Felician faculty members participated willingly and thoughtfully in governance, but others felt that participating in faculty governance was a waste of time because the administration made all the important decisions. The structure of the system appears reasonable enough—excepting an absence of any provision for faculty involvement in financial affairs and in long-range planning—but the structure should be measured by what it produces. As has been noted, faculty assembly meetings, designed to provide a forum for open discussion and questioning, were poorly attended. Faculty members engaged in routine committee work, according to those who spoke with the investigating committee, but current conditions did not allow anything innovative or controversial to emerge from those committees. Faculty members could discuss matters with the administration in the various governance bodies but only “up to a point.” Some subjects could not be broached, and information that could have helped in proposing alternatives was not made available. Faculty members found especially frustrating the lack of access to financial data and of opportunity to participate in plans for changes in college programs and to the physical plant.

At some point prior to President Prisco's arrival, the Ad Hoc Committee on Shared Governance was established. Its charge, as best the investigating committee could determine, was to examine the status of shared governance at Felician College, to determine its effectiveness, and to recommend changes. The ad hoc committee appears to have originated in the faculty assembly, where faculty members had been expressing concerns about their involvement in the governance of the college. In December 2014, during the period in which the investigating committee's visit occurred, the ad hoc committee was reportedly discussing potential changes in Felician's shared governance system

with the president. Faculty members with whom the investigating committee spoke did not know what governance changes were being discussed, and the investigating committee does not understand why faculty members would be in the dark about the ad hoc committee's work.

As noted earlier, in February 2014 the ad hoc committee drafted a letter lamenting the inhumane, impersonal process of announcing terminations in form letters sent by overnight mail, questioning the legitimacy of the “financial exigency” justification for the terminations, and asking the administration to address a number of issues. The chair of the Ad Hoc Committee on Shared Governance presented the letter to the faculty assembly, asking that body to endorse it for presentation to the administration. After discussion in which some faculty members expressed their reluctance to convey the letter to the president, the chair withdrew his proposal.

The investigating committee found it troubling that the administration's action to terminate the appointments of sixteen full-time faculty members did not elicit a formal response to the administration from any faculty governing body. The committee is aware that the fear that such actions can engender makes it difficult for faculty members, even as a group, to respond—especially where the due-process protections of tenure are lacking. A well-structured and well-functioning governance system, however, ensures that faculty members are involved at the level at which decisions are being made so that they do not find themselves in the position of having to react to final decisions without adequate information and without having been part of the process. This point is, of course, directly related to the subject of this investigation, the unexpected termination of sixteen full-time faculty appointments, but it also applies to many administrative decisions made at Felician College—large and small—that affected the faculty and its ability to carry out its responsibilities. For example, the administration recently decided—without faculty discussion and deliberation—to abolish department chairs.

The investigating committee was struck by how little information was shared with the faculty and, as a result, how marginalized the faculty had become in the governance of the college.

VI. Conclusions

1. In terminating the appointments of sixteen full-time faculty members, seven of whom sought

the Association's assistance, the administration of Felician College attributed its action simply to "the exigency of the college's financial status" without any further explanation. The administration's action thus was in violation of the joint 1940 *Statement of Principles on Academic Freedom and Tenure*, which provides that terminations based on financial exigency be "demonstrably bona fide."

2. The affected faculty members, with one known exception, had served well beyond the maximum probationary period permitted by the 1940 *Statement* and thus were entitled under that document to the procedural safeguards against involuntary termination that accrue with continuous tenure. The Felician College administration, insisting that its decisions on terminations were final and not subject to review, acted summarily and in virtually total disregard of the applicable AAUP-supported procedures set forth in Regulation 4c ("Financial Exigency") of the Association's derivative *Recommended Institutional Regulations on Academic Freedom and Tenure*.
3. In the exceptional case, that of a faculty member in his fourth year of probationary service and thus not entitled to the procedural protections of tenure under AAUP-recommended standards, the administration, in not providing him with an explanation of why he was selected for release, not providing adequate notice, and not affording opportunity for review, acted in disregard of the AAUP's *Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments*.
4. A state of financial exigency as defined by the Association did not exist at Felician College. The only discernible reason for the administration's terminating the appointments of approximately 15 percent of the full-time faculty was its dubious desire to "improve" the ratio between the full-time faculty and students enrolled.
5. As to the climate for academic freedom at Felician College, the fear of faculty members to communicate with the investigative committee or to be seen by the administration as dissenters was palpable. Denying emeritus status to a top-notch teacher and productive scholar with a record of speaking out against what he found wrong was punitive and petty in the extreme. According to its faculty handbook, "Felician College affirms and is guided by the ideal that all faculty, full time or part time, are entitled to academic

freedom as set forth in the 1940 *Statement of Principles on Academic Freedom and Tenure*."

Despite this affirmation, academic freedom at Felician College seems to have been in short supply before the current president took office. Now it barely exists.

6. With respect to the faculty role in academic decision making, the forms of elected faculty governance exist with a couple of exceptions, but the administration has refused to involve or has avoided involving or even informing the faculty when important decisions were made, as the actions that occasioned this investigation illustrate. ■



DIANE C. ZANNONI (Economics)

Trinity College (CT), *chair*

IRENE T. MULVEY (Mathematics)

Fairfield University

Investigating Committee

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

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

Members: **MICHAEL BÉRUBÉ** (English), Pennsylvania State University; **DON M. ERON** (Writing and Rhetoric), University of Colorado; **MARJORIE HEINS** (Law), New York, NY; **CHRISTOPHER HOOFNAGLE** (Law), University of California, Berkeley; **WALTER BENN MICHAELS** (English), University of Illinois at Chicago; **DEBRA NAILS** (Philosophy), Michigan State University; **CARY R. NELSON** (English), University of Illinois at Urbana-Champaign; **JOAN WALLACH SCOTT** (History), Institute for Advanced Study; **HANS-JOERG TIEDE** (Computer Science), Illinois Wesleyan University; **RUDY FICHTENBAUM** (Economics), Wright State University, *ex officio*; **RISA L. LIEBERWITZ** (Law), Cornell University, *ex officio*; **JOAN E. BERTIN** (Public Health), Columbia University, *consultant*; **BARBARA M. JONES** (Legal History), American Library Association, *consultant*; **JAMES TURK** (Sociology), Ryerson University, *consultant*; **IRENE T. MULVEY** (Mathematics), Fairfield University, *liaison from the Assembly of State Conferences**

* Did not participate in the vote.

Academic Freedom and Tenure: The University of Southern Maine¹

(MAY 2015)

This report concerns the actions taken by administrators at the University of Southern Maine to close four academic programs and reduce the number of faculty members by means of early retirement offers and retrenchment. The investigating committee was charged with determining whether the program closures and retrenchments were justified and were executed in accordance with AAUP-supported principles and procedural standards.

I. Background

The University of Southern Maine originated in 1878 as the Gorham Normal School, which later became Gorham State Teachers College and then Gorham State College. That institution merged with the University of Maine at Portland in 1970 to become the University of Maine at Portland–Gorham. In 1978, the institution’s name was changed to the University of Southern Maine. A public university, one of seven institutions that constitute the University of Maine system, USM has three primary campuses located in Portland, Gorham, and Lewiston, the last established in 1988. USM offers baccalaureate and master’s degree

programs as well as doctoral programs in public policy and school psychology. As of spring 2014, the three campuses enrolled approximately 7,500 undergraduate and 2,320 graduate students, taught by a total of approximately 250 full-time faculty. The university has been accredited since 1960 by the New England Association of Schools and Colleges, its most recent reaccreditation review having occurred in 2011.

According to information posted on its website, the University of Southern Maine is “dedicated to providing students with a high quality, accessible, affordable education”; its faculty is “[d]istinguished for their teaching, research, scholarly publication and creative activity”; and the university “embraces academic freedom for students, faculty, and staff.” Mr. David T. Flanagan, the institution’s interim president until July 2015, has served in that capacity since July 2014. He succeeded Dr. Theodora J. Kalikow, who served as interim president from July 2012 until her departure to serve as University of Maine system acting vice chancellor. On March 11, 2015, USM announced the appointment of its new president, Dr. Harvey Kesselman, then serving as the provost of Stockton University in Galloway, New Jersey. He will assume office at USM in July. Dr. James H. Page is the chancellor of the University of Maine system, authority over which is held by a sixteen-member board of trustees. Professors Susan Feiner and Christy Hammer serve as copresidents of an NEA-affiliated local union of the Associated Faculties of the University of Maine System (AFUM) that represents the system’s faculty under a collective bargaining agreement. Professor Gerald (Jerry) LaSala is chair of the USM faculty senate.

1. The text of this report was written in the first instance by the members of the investigating committee. In accordance with Association practice, the text was then edited by the staff and, as revised with the concurrence of the investigating committee, was submitted to Committee A on Academic Freedom and Tenure. With the approval of Committee A, the report was sent to the subject faculty members; to the administration of the University of Southern Maine; to the officers of the faculty union, of the faculty senate, and of the AAUP chapter; and to other persons directly concerned. This final report has been prepared for publication in light of the responses received and with the editorial assistance of the staff.

II. Events of Concern

On March 14, 2014, then president Kalikow announced to the USM faculty senate that the university's "structural gap" must be closed and that the university could "no longer afford to carry all the programs" it offered, "especially those that unfortunately have insufficient student interest to financially sustain them." She went on to report the elimination of four programs effective with the fall 2014 term—American and New England studies, geosciences, arts and humanities at the Lewiston facility (Lewiston-Auburn College), and recreation and leisure studies—and the consequent termination, not including retirements, of the appointments of approximately twenty to thirty tenured as well as long-serving nontenured faculty members. The University of Maine system trustees did not declare a state of financial exigency for the system as a whole or for its USM campus. With regard to the criteria for program elimination, President Kalikow cited a March 6 report of the USM Direction Package Advisory Board (DPAB), formed in 2013 to review the university's budget. The report stated that "[u]ltimately, the existing collage of programs offered at the University must be transformed into a carefully considered, complementary portfolio of critical entities that synergistically support a focused University mission that serves the needs of the Southern Maine region. The institution must be greater than the sum of its individual academic components, while at the same time be streamlined for wider programmatic cooperation and coordination with the other entities in the University of Maine System."

The university's effort to "prioritize" its academic programs in this report was guided in part by the work of Dr. Robert Dickeson, a well-established critic of the professoriate and opponent of tenure, whose *Prioritizing Academic Programs and Services: Reallocating Resources to Achieve Strategic Balance* has been used by other administrations to restructure academic programs and terminate faculty positions.²

Faculty members whose positions were slated for termination were notified by letter of March 21 from then provost Dr. Michael Stevenson that the action

was "a retrenchment due to program and budget reasons"; that they would receive one and a half years of additional salary, as called for by the collective bargaining agreement between the University of Maine system and AFUM; and that they might be placed on a "recall list" for future reemployment "in the same position . . . should an opportunity arise."

Faculty members at the university questioned whether a financial crisis existed. They noted that the administration did not demonstrate that the magnitude of the budgetary constraints facing the institution necessitated closing programs and departments and terminating faculty appointments. They contended that the program analysis data produced by the faculty and administration participants on the DPAB demonstrated that the majority of USM's thirty-five departments generated sufficient revenue to cover the cost of faculty salaries. Moreover, faculty members questioned the adequacy of faculty participation as called for under AAUP-recommended standards—by the faculty as a whole or by a representative body of the faculty—in reaching the decisions to take the announced actions, in setting the criteria for terminating programs, and in singling out the particular ones for discontinuance.

* * *

National AAUP staff, alerted by media accounts and reports from local AAUP leaders about the administration's actions, sent an e-mail message on March 27 to union copresident Feiner offering the Association's assistance. Professor Feiner, responding on March 30, stated that "each day brings new threats to shared governance, faculty positions, and programs. As mysteriously as faculty and programs get disappeared, some, but not others, are resurrected." On April 10, the staff wrote to President Kalikow to convey the Association's concerns regarding the decisions to discontinue academic programs and terminate faculty appointments without any substantive faculty participation in the key decision-making processes. Association-recommended standards, the staff wrote, "provide for meaningful faculty participation in determining that a condition of financial exigency exists and in deciding where terminations based on programmatic considerations will occur." The letter emphasized that the appointments of tenured faculty members are not to be terminated while nontenured faculty members are retained and that every effort should be made to place affected faculty members in

2. For details regarding Dr. Dickeson's role in the National Louis University administration's actions in 2012 to discontinue numerous programs and departments, and to terminate the appointments of at least sixty-three full-time faculty members, see "Academic Freedom and Tenure: National Louis University," in *Bulletin of the American Association of University Professors* (special issue of *Academe*), July–August 2013, 17–29.

other suitable positions within the institution. It urged rescission of the notices of termination and adherence in any further action to the procedural standards the letter had cited.

On April 11, then USM-AFUM copresident Hammer reported happily to the AFUM membership, in an e-mail message on which the AAUP's staff was copied, that President Kalikow had announced that same day that she was "immediately rescinding the twelve faculty retrenchments." Professor Hammer wrote, "The letter [President Kalikow] and the Chancellor received yesterday from the national American Association of University Professors may have helped her make the right decision." In an April 11 e-mail message to USM faculty announcing the rescissions, the USM president stated with regard to the program discontinuances that "the proposed eliminations of American and New England Studies, Geosciences, and Arts and Humanities programs will continue," and she gave the faculty senate until May 5 "to submit alternatives to those program eliminations" to her. In an April 25 response to the AAUP staff letter of April 10, she stated that "the financial conditions we are facing are real and demonstrable" and went on to explain that "the recent faculty retrenchment actions were rescinded prior to the receipt of [the staff's] letter in order to further engage with the Faculty Senate for the most thoughtful and efficient approaches to achieve the necessary budget savings." She concluded with reassurance that "currently any program eliminations are solely proposals and the necessary steps prerequisite to initiate them under Board of Trustees Policy have not yet been taken." With this sudden reversal of the administration's retrenchment actions, those affected began to hope that the matter was at an end.

* * *

That this administrative reversal did not conclude the matter became apparent to the staff upon its receipt of an August 18 e-mail message from Professor Feiner reporting that "the Chancellor, without any consultation with faculty, yanked the last president he appointed via fiat, and appointed a new president." That new president was Mr. David Flanagan, who had served, among other positions, as chief executive officer of the Maine Power Group and who vowed to balance USM's budget.

It was subsequently revealed that on August 15 President Flanagan had forwarded proposals to the board of trustees regarding the elimination of programs

in American and New England studies and in arts and humanities and the Department of Geosciences. Faculty senate chair LaSala responded with an August 27 message to Chancellor Page and the University of Maine System Board of Trustees, stating that, "[d]espite assurances to the contrary, these are in fact NOT the proposals submitted to and reviewed by the Faculty Senate's Academic Program Review Committee. These new proposals were first forwarded to me as Senate Chair on 20 August 2014, five days after they had already been submitted and placed on the agenda for the [Board's] Academic and Student Affairs Committee Meeting this Friday, 29 August."

LaSala complained that the new proposals contained "factual errors," and he concluded by urging the board to postpone action on the proposals "until appropriate review has been completed." Notwithstanding the faculty senate's request for further study, the board's academic affairs committee voted on August 29 to place the program elimination proposals on the full board's September 21–22 agenda.

On September 18, USM provost Joseph McDonnell sent a message to faculty "colleagues" entitled "Criteria for Eliminating, Retrenching and/or Reshaping Academic Programs." "Our finance office," he wrote, "is projecting a \$16 million shortfall based on current enrollments—a deficit that will deepen if the trend in declining enrollment continues into the next academic year" and that "will inevitably result in reductions in faculty and staff positions." The "deans and I," he continued, "have developed criteria that would inform decisions about modifying or eliminating programs." Faculty members were given one week to submit comments about the following criteria:

- "Community engagement." Will the program "contribute significantly to the 'metropolitan university' vision"?³
- "Student interest." Does the program have enough majors?
- "Financial contributions." Does the program generate a "significant amount of revenue"?
- "Relationship to other programs." "Is the number of faculty in the program too small," and can the program be combined "under a larger academic umbrella"?
- "System coordination." "If the seven universities in the system were viewed as one university, would

3. As will be seen below, the provost discussed this "vision" in a memorandum to the faculty sent on October 6.

the USM program likely play a critical role in such a university by virtue of its location or strength?”

- “Curriculum.” “Could the program be delivered with fewer credits?” “In a university with academic programs with fewer credits students and faculty would have much greater flexibility to pursue a variety of interests. We believe a more streamlined approach to majors and minors would create a more innovative and more student centered culture.”

On September 22, the board of trustees voted to eliminate the graduate program in American and New England studies, the arts and humanities major at USM’s Lewiston-Auburn College, and the Department of Geosciences. On October 28, Provost McDonnell informed tenured faculty members in these departments and programs who were slated for appointment termination that they were subject to retrenchment in accordance with the collective bargaining agreement and that they would receive salary payment for one and a half years, commencing December 31, 2014, during which time they would have no professional obligations. The letter stated further that they had a “priority right” to any “appropriate alternative or equivalent employment” within the university.

The relevant provisions of the AFUM collective bargaining agreement are set forth in articles 15, “Grievance Procedure,” and 17, “Retrenchment.” Section 17.A defines retrenchment as “the discontinuance of a unit member with a tenured appointment or continuing contract from a position at any time or [with] a probationary or fixed length appointment before the end of the specified term for bona fide financial or program reasons including temporary or permanent program suspension or elimination.” Section 17.B specifies the order of retrenchment by length of service, from less than one year to more than twenty-one years of employment. The rights of tenured faculty members are addressed in section 17.B.2, which stipulates that faculty members with tenure will not be retrenched before nontenured faculty members in the “retrenchment unit.” Section 17.D provides for one and a half years of notice for faculty members with tenure or continuing contract appointments. Section 17.E calls on the university to make “a reasonable effort to locate appropriate alternate or equivalent employment,” and section F.1 provides for all unit members to be placed upon request on a “recall list” for two years following the

effective date of retrenchment. Those with tenure or continuing contracts “shall resume the tenured or continuing contract appointment upon recall.” Article 15 defines a grievance as a complaint regarding “the interpretation or application of a specific term” of the collective bargaining agreement, sets out the steps of the grievance procedure, and affords access to binding arbitration.

The USM administration announced sweeping plans to “fundamentally transform” the university in an October 6 memorandum from Provost McDonnell to the faculty. He detailed the discontinuance of two additional programs (French and applied medical sciences); the reduction or consolidation of numerous academic departments, including the merging of English, philosophy, and history into one department; the combining of the departments of chemistry, physics, and mathematics; and a reduction in the size of the faculty by fifty positions effective at the end of fall 2014. Because the university’s “current crisis is too deep to merely trim the sails,” the provost averred, “it will require fundamental change in academic programs, in our culture, and in expectations of faculty inside and outside the classroom.” The institution, according to the provost, “must gain a reputation as the ‘metro university’ by offering a distinctly different educational experience from other public and private universities in the state.” Among the measures required to “reimagine the university,” he wrote, were the dismantling of the “silos of our academic programs” and the “silos of our locations,” both of which had “contributed to our fiscal problems.” According to this logic, an “interdisciplinary approach” would supplant stand-alone academic programs and would require faculty members to be “prepared to teach on all campuses” through “an imaginative use of blended and on-line learning.” “We can no longer afford,” Provost McDonnell declared, “faculty assigned to just one campus.” The plan, however, was “not merely a way to deal with a budget crisis, but an opportunity for a cosmopolitan university to connect the arts, the humanities, and the social sciences with each other and the professional programs in Business, Technology, Health, and the Environment.” Dr. McDonnell ended his October 6 presentation by listing the programs and departments that would be eliminated or consolidated, resulting in the elimination of the fifty faculty positions, including seven in the three programs the trustees had already approved for elimination in September.

Faculty members whose positions were designated for termination were given the choice of accepting

an early retirement package or having their positions eliminated under the retrenchment provisions of the collective bargaining agreement.⁴ By the time notifications were issued, the “fifty” stated in the provost’s October 6 memorandum had increased to sixty or sixty-one. Twenty-six faculty positions were terminated under the retrenchment provision of the collective bargaining agreement, while thirty-four were eliminated through retirement. In one case, a faculty member in an affected department whose position was not terminated decided to retire in order to “save” a junior colleague whose position had been eliminated, bringing the total number to thirty-five. Numerous faculty members whose appointments were terminated filed grievances under article 15 of the collective bargaining agreement with arbitration to take place at the end of April 2015.

On October 10, the faculty senate called on the administration to meet with the senate executive committee in order to negotiate a new deadline for senate review of the proposed elimination of programs in applied medical sciences and French, stating that the administration’s October 17 deadline did not allow sufficient time for a comprehensive review. As far as the investigating committee knows, the administration did not respond to the senate’s request for an extension. The faculty senate elaborated on its concerns regarding the programmatic changes in an October 15 letter to President Flanagan, stating that “in neither proposal have ‘bona fide financial or programmatic reasons’ been demonstrated. . . . As to financial reasons, there is no demonstration, merely assertion that we face a \$16,000,000 deficit. This is a projected deficit and, despite repeated requests from both the Senate and AFUM, no detailed accounting of the basis for this projection has been forthcoming. Until a clearly articulated explanation on the anomalous increase in the projected deficit is presented, the Senate believes that no ‘bona fide financial reason’ has been offered.”

USM faculty members alleged that some departments were targeted for elimination because they included tenured faculty members who, through length

of service, had reached the top of the salary scale. Faculty members also contended that tenured and non-tenured members of the faculty were “cherry-picked” for elimination and that the administration did not offer credible programmatic reasons for the reductions.⁵ Members of the faculty in the affected programs further alleged that ill-conceived decisions to consolidate or eliminate programs resulted in a shortage of faculty members to teach required courses in spring 2015.

Faculty senate chair LaSala wrote on October 21 to request the Association’s assistance. By letter of November 14, a member of the AAUP’s staff wrote to President Flanagan conveying the Association’s concerns regarding the decisions to discontinue academic programs and terminate faculty appointments without any substantive faculty participation in the key decision-making processes. Reiterating points made in the April 10 letter to then President Kalikow, the letter stated that Regulation 4c of the AAUP’s *Recommended Institutional Regulations on Academic Freedom and Tenure* calls for “meaningful faculty participation in determining that a condition of financial exigency exists and in deciding where termination based on programmatic considerations will occur.” In making such decisions, the letter continued, the appointments of tenured faculty members are not to be terminated while nontenured faculty members are retained, and every effort is to be made to place affected tenured faculty members in another suitable position within the institution. The letter noted that faculty members at USM continued to raise questions regarding the extent of the financial difficulties, especially when the system’s financial condition appeared by no means precarious. The November 14 letter highlighted, as did the earlier April 10 letter to President Kalikow, the faculty’s contention that the decision to discontinue or combine the affected programs at USM was not preceded by the administration’s having demonstrated that the magnitude of the budgetary constraints facing the institution necessitated closing programs and departments and terminating faculty appointments, and it called attention to the administration’s refusal to provide a detailed accounting of the projected budget deficit. “If these faculty assertions are essentially

4. The retirement package was offered to selected faculty members with at least ten years of full-time service who had reached age sixty-two. It called for their retirement by June 30, 2015 (thus providing them with the collective bargaining agreement’s year and a half of severance salary). Their health coverage would remain the amount received by active faculty members until age sixty-five, with retiree health benefits effective thereafter.

5. Members of the faculty also alleged that the decisions to consolidate and eliminate programs disproportionately affected female faculty members, because they held almost two-thirds of the terminated positions, including three positions eliminated in the historically male-dominated Departments of Physics, Computer Science, and Criminology.

accurate,” the November 14 letter stated, “the USM administration is clearly acting in disregard of Regulation 4c in terminating fifty faculty positions.”

Finally, the letter of November 14 questioned why the administration was embarking on a second, more drastic round of program eliminations and terminations of faculty appointments just as the university appeared to be emerging from a period of program reductions and just after it had rescinded the spring faculty terminations. Moreover, the letter asked, why undertake such measures when there was scant available evidence to suggest that the institution’s financial situation had worsened so dramatically in the previous six months as to warrant severe faculty and programmatic reductions? And if the situation were so dire as to necessitate the appointment terminations, why keep the decision-making process secret from the faculty—most of whom had learned of the terminations on the day they were publicly announced? The letter concluded by stating that the staff awaited the administration’s response as the Association determined its next steps in the matter and that the staff would “welcome hearing” from the president “before the Thanksgiving holiday.”

On December 2, having received no response from President Flanagan, the staff wrote by e-mail to inform him that, in the absence of significant positive developments, the Association’s executive director had authorized a formal investigation of the issues of concern at the University of Southern Maine. President Flanagan responded by e-mail the next day, confirming that “you are correct when you state the University of Maine System has not declared a condition of financial exigency.” He wrote that it was “under no obligation to do so” according to the terms of the collective bargaining agreement. He stated that “the university has undertaken retrenchment in order to address what are real and demonstrable financial needs present at the University of Southern Maine.” “The role of the faculty,” he asserted, “has been fully respected in this process.”

The undersigned investigating committee visited the University of Southern Maine on Sunday and Monday, January 18 and 19, 2015, and met with officers and members of the senate, the AFUM union, and the AAUP chapter, and with professors whose services had been terminated as well as with others who had been retained. President Flanagan, although he had initially conveyed a lack of interest in discussions with the committee, stated shortly before its arrival that he

was amenable to a meeting on Sunday afternoon. It was scheduled accordingly.⁶

III. Issues of Concern

Identified here are what the investigating committee considers to be the issues of central concern.

A. The Basis for the Decision to Terminate Appointments

The AAUP recognizes only three legitimate bases for terminating the services of faculty members with indefinite tenure or with term appointments prior to their expiration: for demonstrated cause and, under extraordinary circumstances, as a result of bona fide financial exigency or a bona fide program discontinuance based essentially on educational considerations. The USM administration has stated that the University of Maine system is not in a state of financial exigency. It has justified its actions by referring to “real and demonstrable financial needs” confronting USM and has stated that a \$16 million budget deficit is attributable to “lower-than-expected” enrollment. It has argued further that the “current [financial] crisis is too deep to merely trim the sails” and thus requires extraordinary measures. Can it be argued that USM, as distinct from the University of Maine system, was in a state of financial exigency, defined in Regulation 4c, “Financial Exigency,” as “a severe financial crisis that fundamentally compromises the academic integrity of the institution as a whole and that cannot be alleviated by less drastic means” than termination of appointments? If financial exigency is not an issue, can it be argued that the administration’s actions were permissible under Regulation 4d, “Discontinuance of Program or Department for Educational Reasons,” rather than mandated by the financial situation? Such educational considerations, however, are to be “determined primarily by the faculty as a whole or an appropriate committee thereof,” and it does not appear that USM faculty members had any meaningful role in the decisions affecting them and their programs.

B. Participation of the Faculty in Decisions to Terminate Programs and Appointments

Under Regulation 4c of the *Recommended Institutional Regulations*, the faculty should participate in the

6. Replying to an invitation to comment on a prepublication text of this report, President Flanagan provided a detailed response, which can be found on the Association’s website, at <http://www.aaup.org/file/USM-Pres-Response.pdf>.

fundamental decision that programs must be closed for financial reasons and in subsequent decisions about which programs to close and which appointments to terminate. Under Regulation 4d, decisions on closing academic programs on educational grounds are to be initiated by the faculty. The USM administration has asserted that the process employed in decisions to terminate programs and appointments was consistent with principles of shared governance and that the role of the faculty in the process was “fully respected.” Faculty leaders have reported, however, that they, along with the faculty at large, were informed of the program eliminations and appointment terminations only upon their announcement in the provost’s October 6, 2014, memorandum, that the faculty senate was not given sufficient time to review that document, and that the administration did not respond to the senate’s resolution calling on it to extend its response deadline. The USM administration has not provided the investigating committee with any evidence contradicting the reports of faculty leaders regarding these matters.

C. Identification of Departments and Programs for Termination or Consolidation

The USM administration has maintained that departments and programs were selected for closure or consolidation for reasons other than “merely a way to deal with a budget crisis.” The university’s leadership came forth with its “vision” of a “cosmopolitan” or “metropolitan” university offering a “distinctly different educational experience” from what is available at any other institutions of higher education in Maine. Faculty members have alleged, in response, that some departments and programs were targeted for closure to eliminate higher-paid tenured professors from the faculty ranks. Faculty members have also alleged that individual professors were targeted for retrenchment because they had a history of sustained involvement in shared governance and were often critical of decisions made by USM administrators. The committee could find no evidence supporting the claim that these motives were in play in administrators’ decision-making processes, but, as will be explained below, it does find that some program closures seemed unrelated to any publicly stated rationale—financial or educational.

D. Affordance of Academic Due Process under the Collective Bargaining Agreement

The USM collective bargaining agreement is silent regarding the opportunity for a faculty member to contest a proposed appointment termination attributed

to program discontinuance in an adjudicative hearing of record before a faculty body. Instead, article 17.K stipulates that “in the event of retrenchment, the Association shall proceed directly to Step 3 of Article 15, Grievance Procedure.” As one would expect, the USM administration has asserted that its 2014 actions were consistent with the provisions of the collective bargaining agreement. Retrenched faculty members are now pursuing grievances under article 15, but the collective bargaining agreement contains no provisions consistent with the AAUP principle that when undertaking program closures for financial or educational reasons, “the institution, with faculty participation, will make every effort to place the faculty member concerned in another suitable position within the institution.”

IV. Analysis of the Issues

In this section, the committee analyzes the issues in light of its investigation.

A. Interview with President Flanagan

President Flanagan agreed to a meeting with the committee on short notice as a “courtesy” to the AAUP, noting in a January 15, 2015, letter to the staff that he was under no obligation to do so: “As I have previously stated, the AAUP has no standing to ‘investigate’ official actions taken by the administration at USM. Your policies have never been adopted by the Trustees of the University of Maine System and they are, therefore, not a standard by which this University can be judged. They have no force or effect at the University of Southern Maine. We can only reasonably be measured against our own properly adopted policies and our faculty contract. Our faculty are represented by a union with whom we have negotiated a collective bargaining contract in good faith. They are not represented by the AAUP.”

This position had been stated by USM executive director of public affairs Christopher Quint on November 24, 2014, when he told the *USM Free Press*, “We have no plans to be responding to them. They do not have any standing in this matter.” The investigating committee made it clear that it was aware of USM’s position and therefore appreciated the “courtesy” of the meeting because its report would be incomplete without President Flanagan’s account of matters.

The investigating committee notes, however, that the preamble to the governance constitution of USM stipulates that “the provisions of this constitution are based largely on the widely accepted academic traditions and principles expressed in the

American Association of University Professors' *Policy Documents and Reports*" and refers explicitly to the *Statement on Government of Colleges and Universities* as one of the AAUP statements that should guide interpretation of "the intent of the policies and procedures in this constitution." The claim that the AAUP has no standing to conduct an investigation apparently rests on a significant misunderstanding of the role and the history of the AAUP and, indeed, the centrality to the higher education community of Association-supported principles and procedural standards.

President Flanagan insisted that USM's financial condition was a "disaster," referencing the projected deficit of \$16 million, and stated that he believed the cuts to programs and the faculty had been carried out in a "thoughtful" manner. He cited demographic projections that showed declining numbers of high school graduates in Maine and stated emphatically that if the University of Maine system had followed the recommendations of the task force he had chaired a few years earlier, USM would not be in such financial peril today. That task force report, *Meeting New Challenges, Setting New Directions*, was published in 2009 and was presented to the board of trustees on July 13 of that year. Explicitly a response to the global financial collapse of 2008, it noted that "eleven months into the FY09 fiscal year [sic], the University of Maine System Endowment pool has lost 16.2 percent of its value due to market conditions" and projected "a financial gap of \$43 million over the next four years."

In the course of the interview, President Flanagan cited the above numbers as proof that the financial situation at USM is not transient, that the challenges facing USM and the University of Maine system are structural and substantial. The investigating committee has no doubt that President Flanagan and his staff believed this to be the case, and they appeared unfazed by faculty complaints that the basis for the claim of a \$16 million shortfall has never been made clear. But the 2009 report can also be taken as evidence that the University of Maine system has a history of projecting massive deficits—\$43 million over four years was the figure in 2009; \$16 million was the figure in 2014—without providing the grounds for such projections. Additionally, the investigating committee would expect that the endowment pool would have recovered from its short-term loss in the 2009 fiscal year. This issue was not addressed during the interview.

The long-term demographic argument about Maine's aging population and declining numbers

of high school students, by contrast, appears to be incontrovertible. But its relevance to USM, specifically, is not clear, since—as almost every faculty member the investigating committee interviewed pointed out—USM has generally served a large number of nontraditional adult students, significantly older than the standard eighteen- to twenty-two-year-old college cohort. Given the composition of the student body and the likelihood that it would increase as the state's population aged, it is not clear why USM administrators would not wish to expand USM's programs and offerings rather than cut them.

B. Faculty Consultation

AAUP policy on the role of the faculty in program reductions and retrenchments is provided in Regulation 4c of its *Recommended Institutional Regulations*. Regulation 4c(1) states, in relevant part: "As a first step, there should be an elected faculty governance body, or a body designated by a collective bargaining agreement, that participates in the decision that a condition of financial exigency exists or is imminent and that all feasible alternatives to termination of appointments have been pursued, including expenditure of one-time money or reserves as bridge funding, furloughs, pay cuts, deferred-compensation plans, early-retirement packages, deferral of nonessential capital expenditures, and cuts to noneducational programs and services, including expenses for administration."

And 4c(2) stipulates further that,

[b]efore any proposals for program discontinuance on grounds of financial exigency are made, the faculty or an appropriate faculty body will have opportunity to render an assessment in writing of the institution's financial condition.

[Note: Academic programs cannot be defined ad hoc, at any size; programs should be recognized academic units that existed prior to the declaration of financial exigency. The term "program" should designate a related cluster of credit-bearing courses that constitute a coherent body of study within a discipline or set of related disciplines. When feasible, the term should designate a department or similar administrative unit that offers majors and minors.]

(i) The faculty or an appropriate faculty body will have access to at least five years of audited financial statements, current and following-year budgets, and detailed cash-flow estimates for future years.

(ii) In order to make informed recommendations about the financial impact of program closures, the faculty or an appropriate faculty body will have access to detailed program, department, and administrative-unit budgets.

(iii) Faculty members in a program being considered for discontinuance because of financial exigency will promptly be informed of this activity in writing and provided at least thirty days in which to respond to it. Tenured, tenure-track, and contingent faculty members will be informed and invited to respond.

It is not surprising that these procedures were ignored by the USM administration, since its position is that USM needs to abide only by the provisions of the collective bargaining agreement and not by AAUP-supported standards that have been widely observed in American higher education.

The USM administration holds that the programs slated for elimination were identified by means of an objective, data-driven process, as outlined in the provost's October 6, 2014, program-elimination proposals. The Department of Applied Medical Sciences (AMS), for instance, was "identified for elimination on the themes of Student Interest and Financial Contribution." The October 6 proposal states that "currently there are 5 full-time faculty for 32 students, creating a 6.4/1 student to faculty ratio. Over the past five years the average faculty expenses was \$728,999 to the average student tuition dollars of \$273,376. The five year average net financial cost was \$455,623 per year."

There are two glaring problems with these data. First, they effectively evaluate a graduate research program as if it were a collection of underenrolled graduate courses. Second, they take no account of any other sources of revenue, as if a graduate program in the sciences were dependent wholly on tuition dollars. They completely overlook the history of grants received by the program in applied medical sciences, totaling \$19,160,326 over seven years, including \$3,353,981 in indirect costs. As the faculty senate response to the October 6 memorandum pointed out, this comes to \$479,140 annually, which more than covers the so-called annual "deficit" of \$455,623. In addition, as the faculty senate reply notes, "part of the direct costs goes to subsidizing student scholarships and faculty salaries," rendering the administration's conclusions even more incomprehensible. This committee is unaware of a similar financial calculation being made at any other institution of higher education.

When asked about AMS's history of grants and why they were not factored into the calculation of AMS revenues, President Flanagan replied that the amount of grants awarded to AMS had been declining over the years. The investigating committee has seen no evidence that corroborates this assertion.

The calculations are equally difficult to comprehend in the case of the French program, which the administration's data characterized as having had an average expense (in faculty salaries) of \$217,610 and an average tuition intake of \$191,887, for an average annual deficit of \$25,723 between the 2008–09 and 2013–14 academic years. But at the time the review was conducted in 2014, the number of faculty members in French had dropped from three to one, such that the figures in 2014 show \$115,233 in total faculty compensation and \$129,414 in tuition revenue, for a \$14,181 surplus. How this could be construed as a money-losing proposition for *future* budget projections in the French program is inexplicable to this investigating committee.

USM faculty members reported to the committee that these irregular calculations were but the tip of the iceberg. Some programs were evaluated by counting only the numbers of majors, rather than all enrolled students, and by overlooking nonmatriculating students, who make up a sizeable percentage of USM's student body. Other faculty members reported administrators' listing independent study courses by their numbers in the course catalog as if they were underenrolled undergraduate courses.

On September 26, the faculty senate had passed a motion "that financial calculation for each program shall be the total money generated by all student credit hours, fees, sales, fund-raised money, grants, and a monetization of service provided to the community, fact-checked by the unit itself." This motion was systematically disregarded by the USM administration.

Beyond the unwillingness to acknowledge the input of the faculty senate, or indeed of faculty members literate in university finances, numerous and deliberate efforts apparently were made to stymie faculty participation in program evaluation. On August 27, 2014, senate chair LaSala wrote to President Flanagan in response to the president's August 15 proposals for program eliminations, asking that the faculty be given time to respond to the proposals before they were forwarded to the board of trustees. "USM faculty and staff want desperately to solve our problems," LaSala wrote, "but we want to be part of that solution, not to be told what has

been decided for us.” That request was ignored, and the proposals went to the trustees on August 29. The next board meeting, on September 21 and 22, was moved to Fort Kent on the extreme northern tip of the state—more than three hundred miles and five hours away from Portland—over the objections of faculty members and students. And finally, when the closures were announced on October 6, the faculty was given ten days in which to respond. On October 16, AFUM wrote that “the compressed timeline, from notification to deadline for input (approximately 9 or 10 days), makes a mockery of article 32 of the collective bargaining agreement and of section 305.5 [of] the Board of Trustees (BOT) administrative procedures manual.” The investigating committee finds this complaint thoroughly justified.

Two final considerations warrant attention. First, no meaningful “teachout” provisions were in place to ensure that the students enrolled in the programs slated for elimination would be able to complete required courses. This fact suggests the very opposite of a “thoughtful” approach to program closures, a process conceived and executed so hastily, mid-year, that a disinterested observer might be led to surmise that the USM administration was acting under emergency conditions that involved imminent bankruptcy and utter ruin rather than a projected deficit. In a November 6, 2014, *Portland Press Herald* article, AMS professor S. Monroe Duboise is quoted as saying, “I don’t think they have a clue about what it takes to be a scientist and run a research program. You can’t just shut it down in weeks. Even a year would be rushed.” This view seems consistent with the second consideration, the process by which the eliminated programs were evaluated financially—that is, that the process was guided by short-term assessment measures that have little to do with how higher education actually works. The result is that students in all affected programs were left stranded.

The lack of teachout provisions is also, notably, a violation of the standards of the New England Association of Schools and Colleges. Standard 4.12 requires that “when programs are eliminated or program requirements are changed, the institution makes appropriate arrangements for enrolled students so that they may complete their education with a minimum of disruption.”

Nor does it seem that any serious thought was given to the principle enunciated in Regulation 4c(5) of the AAUP’s *Recommended Institutional Regulations*, that a university undertaking program

closures “will make every effort to place the faculty member concerned in another suitable position within the institution.” Indeed, the investigating committee received documentation that two unaffected units offered new tenure homes to two retrenched faculty members and that the provost ignored those offers.

C. Rationale for Program Closures, Part One: Financial Condition of USM

The appendix to this report provides an analysis of the financial condition of USM—and, indeed, of the University of Maine system as a whole.⁷ Among the conclusions of this analysis are that

- the University of Maine system is in strong financial condition; the system has strong reserves, manageable debt, and strong operating surpluses and cash flows. Bond-rating agencies cite all of these issues as justification for the system’s strong bond rating;
- USM had revenues exceeding expenses in both 2013 and 2014;
- enrollment at USM has declined, but the university is still generating revenues larger than expenses, and there are still solid reserves;
- even before the recent layoffs, USM significantly decreased the number of full-time faculty, and this decline was greater than the decline in enrollment;
- USM has seen a virtual freeze on the appointment of new assistant professors for the last several years, and there has been a significant decline in the number of full-time faculty members. In fact, the decline in faculty members is greater than the decline in enrollment, credit hours, or sections offered.

On the basis of this analysis, therefore, the committee finds no plausible reason to conclude that USM is facing a financial disaster—or significant financial distress of any kind.

D. Rationale for Program Closures, Part Two: The “Metropolitan University”

As noted above, although the USM administration

7. This appendix, “Analysis of the Financial Situation of The University of Maine System and the University of Southern Maine,” is posted at <http://www.aaup.org/file/USMappendix>. An executive summary of the financial analysis follows this report.

cited a looming financial crisis, it did not declare a state of exigency. Additionally, it argued that USM must become a “metropolitan university” whose mission does not duplicate that of any other University of Maine institution. This would seem to be a matter falling under Regulation 4d of the *Recommended Institutional Regulations*, permitting program closures predicated “essentially upon educational considerations, as determined primarily by the faculty as a whole or an appropriate committee thereof” (though, again, the investigating committee notes that nothing at USM seems to have been determined primarily by the faculty as a whole).

Of the four closed programs, three would seem to be central to the “metropolitan” model. The program in American and New England studies sends graduates into cultural institutions that directly serve the people of Maine, the museums and historical societies that preserve and transmit Maine’s cultural heritage. The French program, it should go without saying, is of high importance in a state with so many French speakers—and, as the faculty senate noted in its response of October 15, the elimination of the program “fails to consider the need for trained teachers of French that exists in the state and can be expected to increase as new high school graduation requirements mandating proficiency in a second language become effective in 2018.”

But the program whose closure most mystified the investigating committee was that of applied medical sciences. The committee has discussed above the administration’s refusal to take the AMS program’s federal grants into account when considering the program’s fiscal health; here the committee wants to focus on the relations between the AMS program and the biotech industry in southern Maine. AMS directly served the region; it was, in fact, critical to one of the few prospering and growing employment sectors in the state. If ever a case existed for academy-industry partnerships in the state of Maine with clearly defined benefits for both sides (“synergy,” it seems, is the usual buzzword here), the relation between AMS and the biotech industry that existed at the time of its elimination would have been exhibit A. The testimony from the local community is compelling.

Perhaps it was to be expected that the investigating committee would be provided with a number of passionate letters written by local high school teachers testifying to the quality of AMS programs. But especially striking were the remarks of local industry officials, bewildered by and upset with the news that

USM would close a program of such easily demonstrable utility.

A faculty scientist from the Maine Medical Center Research Institute wrote:

There is no alternative biomedical science Masters Program in Southern Maine, at University of New England or elsewhere. . . . In the October 14 meeting of the Academic and Student Affairs Committee, it was suggested that there is not a market demand in biotechnology in Maine to support this program. Unfortunately again, no analysis was performed to justify this statement, and in fact we heard several examples of how Applied Medical Sciences students have been recruited into industry positions in Maine into local companies, adding to company growth and success. Indeed, the 2014 report of the State of Maine Department of Economic and Community Development lists life sciences as a top key industry sector in Maine. . . .

[T]he Applied Medical Sciences program is focused on an area that is receiving major attention at the state and national level as a priority area. It is directly impactful of public health and the issues facing Mainers in medical advances, health care, and future economic development.

The president of Maine Molecular Quality Controls, Inc., was still more emphatic. Her company, she explained, is “a rapidly growing biotechnology business located in Scarborough”; she was proud “to offer [her] company as an example of what can be accomplished in southern Maine’s biotech economy”; and she was “shocked” to hear of the elimination of AMS:

The value of the AMS department is more than the number of diplomas awarded each year. Eighteen biomedical and biotechnology companies are located within twenty-two miles of USM’s Portland campus. Much of this thriving network of science-based commerce depends on the AMS as a source of new employees and a place to re-train and update existing employees to meet the needs of rapidly changing technologies.

Our company is a prime example of the AMS department’s value to Maine’s science and technology economy. Our President, as an adult learner, gained practical experience in molecular

biology through coursework in the AMS department, without which she would not have been able to found our company.

In order for Maine to continue to develop its science and technology economy, we must have an appropriately trained labor pool. USM and its Applied Medical Sciences department are critical to supplying skilled biotech employees. We can't afford to lose the invaluable expertise of the AMS faculty. We can't afford to lose the highly qualified graduates of the program who become essential employees in our businesses. We can't afford to lose the USM students who become more valuable to the biomedical industry by hands-on laboratory experience obtained by working with AMS faculty.

The Vice President for Research and Development of IDEXX Laboratories, a biotech firm based in Westbrook, Maine, wrote:

IDEXX Laboratories and the University of Southern Maine have enjoyed a long and fruitful relationship, highlighted by an ongoing professional collaboration with the Department of Applied Medical Sciences. Beginning with the inception of the Department in 1987, and spanning these many years, we have exchanged highly talented scientists. IDEXX has hired many USM students and graduates into summer internships and permanent positions

It goes without saying that this department adds tremendous value to our community. In addition to the outstanding training and collaborative human resource pool that we share, the Department generates research output of the highest quality. Take, for example, the research from the laboratory of Dr. Monroe Duboise and his recent Gates Foundation grant for investigating vaccine development.

Indeed, vaccine development is a critical public health matter.

Finally, an October 7 letter from Joseph Chandler, president of Maine Biotechnology Services, Inc., to President Flanagan made a yet more urgent case for the importance of AMS:

News that you are considering eliminating the Applied Medical Science department at USM has sent a shock-wave through the biotechnology industry in Maine.

To suggest that the AMS department does not provide invaluable expertise for Maine-based biotech companies as well as candidates for jobs in Maine is, frankly, absurd. AMS is a major contributor of highly qualified scientists who work at any one of the 75+ bioscience companies/institutions in Maine. Were you aware that within the last 5 years, Maine was ranked 9th nationwide for the growth in its biotechnology sector? How is this industry, with many companies based in the Portland region, supposed to find qualified individuals if you eliminate this highly productive and invaluable department at USM?

The investigating committee has cited these letters at length because it has never seen anything quite like them. Most of the time when academic programs are slated for elimination, the affected faculty members in the programs are alarmed, and, most of the time, those programs tend to be in the liberal arts, where the "value added" of degrees is spoken of in terms of critical thinking and lifelong learning. Here we are confronted with a graduate program in the applied sciences that has vocal and widespread support *from leaders of local businesses in a growth area for the Maine economy, with both immediate and long-term implications for scientific research and public health*—and this support is apparently irrelevant to the advocates of the "metropolitan university" model. In his October 10 response to Mr. Chandler, President Flanagan simply repeated, "USM is facing a FY 2016 deficit of \$16 million," adding, "We must emphasize, and prioritize, who we are and what we do if we are to become Maine's Metropolitan University."

The investigating committee, baffled by this response, finds it impossible to imagine how USM is not serving as a "metropolitan university" by maintaining a program in the applied life sciences that directly serves the needs of biotechnology firms in the metropolitan area. It therefore turns to the reports of faculty members who claim that the USM administration "does not want USM involved in serious scientific research" and is actively trying to convert USM, not into a "metropolitan university," but into something more like a four-year community college, with an exclusive emphasis on lower-division teaching. That the USM administration subsequently dissolved the Office of Research Administration and Development and eliminated the position of associate provost for research and graduate studies lends credence to this

allegation that the institutional capacity for research and scholarship is being seriously compromised.⁸

This hypothesis makes some sense of what would otherwise be an inexplicable decision actively opposed by key stakeholders in the metropolitan Portland area. More disturbingly, it fits a pattern that one faculty member described as that of “declining enrollments, loss of quality programs, bad publicity, [and] misguided leadership,” thanks to which the erosion of USM’s academic reputation has become a “self-fulfilling prophecy.”

Another faculty member insisted, “There is no way this institution is *not* in a death spiral.” The investigating committee heard many versions of that sentiment, one from an economist who noted that from fall 2008 to fall 2014, the number of courses offered at USM dropped from 1,291 to 1,086, as enrollment dropped from 10,000 to 9,000. This, it was suggested, was a

chicken-and-egg problem: either the number of courses dropped because enrollment dropped, or enrollment dropped because fewer courses were being offered. Last year, according to this faculty member, all introductory writing courses were full as of the first week of August; all the introductory mathematics courses, including those necessary for economics majors, were full a week later. By this faculty member’s account, three-quarters of the enrollment decline at USM was “self-imposed,” the result of a “destructive cycle in which [the administration is] killing revenues faster than [it is] cutting costs, and cutting costs in ways that make it impossible to recapture revenue.”

The investigating committee views these reports with a little skepticism, since they come from faculty members affected by program closures. It is important to note, however, that these reports did not come from faculty members in AMS; rather, they were responses to committee members’ questions about how the elimination of AMS can be justified as part of the educational portfolio of a “metropolitan university” serving the people of southern Maine.

More important, they are supported by a speech President Flanagan gave to the group known as “USM Corporate Partners” on November 13, 2014. In that speech, President Flanagan laudably implored USM’s corporate partners to lobby for more state funding (“higher education needs a shot in the arm”) and, somewhat curiously, called for the creation of more programs like that of applied medical sciences (“we need to have more incentives for people to actively pursue research grants to get outside funding into here”; “we need to encourage people to innovate new courses and programs that are of interest to our potential market”). But in response to a question from an audience member, President Flanagan revealed another agenda altogether: “The next phase of the university’s life is actually a reversion to what it was in the ’80s. This used to be a metropolitan university—then it got kind of grandiose ambitions. That would have been great if we happened to live in a state with giant oil fields or something, but since we have only limited resources, having two flagship universities wasn’t such a great idea.”⁹

If it is indeed the determination of the current USM administration that the university entrusted to it has to be punished for its “kind of grandiose ambitions” and needs to be taken down a few notches lest it challenge

8. The closure of the Department of Geosciences follows a similar pattern, though the letters of support for geosciences date from spring 2014 and are addressed to then President Kalikow. On April 28, for instance, F. M. Beck of Yarmouth wrote, “One of my businesses, Maine Environmental Laboratory, was founded in 1979 and over the years has hired several USM Geoscience graduates who are the backbone of our business. One of them has recently retired after 31 years as our lab manager. Two more continue to work for us, both having been here nearly 30 years. Several others have gone on to other employers, including the Maine DEP. Without these individuals Maine Environmental Laboratory would not exist today.” Keith R. Taylor, president of the Geological Society of Maine, wrote on May 6 that “having a geoscience program remain in the Portland area makes total sense from the perspective of employment and integration with a metropolitan area. There are dozens of companies and state agencies in southern Maine that hire geologists. In fact, most if not all of the environmental and geotechnical consulting firms in southern Maine have USM alumni on their staff.” And, most remarkably, on April 10, state geologist Robert G. Marvinney wrote to President Kalikow, referencing contemporary geological issues ranging from metallic mineral mining and rising sea levels (both of immediate importance to Maine) and concluding, “The Geosciences program at USM has been instrumental in engaging students in important studies of local geoscience issues. I have worked with each of the professors in this program and have seen personally the practical experiences they provide to students. With their expertise in various disciplines, these professionals are valuable assets to the University and the southern Maine region.” Under ordinary circumstances, the opinion of the state geologist might be expected to carry some weight when it comes to determining the value of geosciences programs in a state university.

It should be added that the students in the geosciences program exemplified the USM “metropolitan” model—or at least one plausible version of that model—insofar as they were largely nontraditional, non-residential, over twenty-five years old, and employed part or full time.

9. See <http://www.ctn5.org/shows/usm-corporate-partners/usm-corporate-partners-nov-13-2014-8060>.

the flagship status of the University of Maine at Orono, the investigating committee notes with sorrow that there is no AAUP-recommended policy or procedure that would prevent a university administration from embarking on a course of action that independent observers might justifiably regard as short-sighted and counterproductive. The discussion of “General Educational Policy” in the *Statement on Government*, however, does stipulate that when these decisions are contemplated, “[s]uch matters as major changes in the size or composition of the student body and the relative emphasis to be given to the various elements of the educational and research program should involve participation of governing board, administration, and faculty prior to final decision.” USM faculty members across the board—those in eliminated programs, and those whose lives and careers are unaffected by program closures—were almost uniformly convinced that the real agenda behind the program closures had little to do with short- or long-term financial considerations and almost everything to do with reducing or eliminating USM’s capacity to conduct research, even research in the most socially and economically beneficial fields of intellectual endeavor.

Some faculty members ascribed this agenda to intrainstitutional rivalries in the University of Maine system, pitting the interests of Orono against those of Portland; others suggested that it spoke to larger sectional divisions within the state, pitting the northern rural regions (where the centers of power are Augusta, Bangor, and Orono) against the relatively urban locations of the southwest (Portland, obviously, but also Lewiston-Auburn). AAUP policy and history are silent about such matters, and rightly so. For AAUP purposes, the alleged downgrading of USM from a regional comprehensive university to a four-year community college is regrettable, but the motivation behind these retrenchments and program closures is not the issue. The issue for the AAUP is that the faculty of USM had no meaningful role in determining whether these retrenchments and program closures were necessary and, if they were necessary, how they were to be carried out.

E. Academic Freedom and Retaliation against Faculty

The investigating committee heard from many faculty members who believed they had been singled out for retrenchment because of their criticisms of administrators, and many faculty members reported that even though upper-level administration at USM has been

a revolving-door for the past three years, there are lingering bad feelings on the board of trustees toward faculty members who supported the 2012 vote of no confidence in President Selma Botman and lingering resentment in the USM administration toward faculty members who filed grievances against a former dean. Although the committee realizes that it is all but inevitable for retrenched faculty members to harbor such suspicions, and it cannot say that they are groundless, it found no evidence that individual programs or faculty members were targeted in ways that breached principles of academic freedom.

The investigating committee does, however, call attention to the provision that revises the policy on the awarding of emeritus status in the University of Maine system, approved by the board of trustees on November 6, 2014: “At the discretion of the University of Maine System, Emeritus Status may be revoked at any time. Revocation may occur when it is determined that an individual’s conduct, *before or after Emeritus Status has been granted*, causes harm to the University of Maine System’s reputation” (emphasis added). This is very clearly a policy that invites administrators and trustees to retaliate against retired—or, more pointedly, retrenched—faculty members who are critical of them. The investigating committee finds it a brazen attempt to restrict the speech of former University of Maine professors, who may be stripped of emeritus status for statements or actions they have made at any point in their careers.

V. Conclusions

1. In terminating the appointments of sixty of the 250 full-time faculty members and eliminating, reducing, or consolidating numerous academic programs, allegedly on financial grounds, the administration of the University of Southern Maine acted in flagrant violation of the joint 1940 *Statement of Principles on Academic Freedom and Tenure* and its requirement that when terminations are attributed to financial exigency, that condition must be demonstrably bona fide.
2. The administration’s actions disregarded the major provisions of Regulations 4c (Financial Exigency) and 4d (Discontinuance of Program or Department for Educational Reasons) of the Association’s derivative *Recommended Institutional Regulations on Academic Freedom and Tenure*, with the sole exception of the provision on severance salary, where the collective bargaining agreement required that tenured faculty members

notified of retrenchment continue to be paid for a year and a half.

3. The administration also acted in brazen disregard of key provisions of the *Statement on Government of Colleges and Universities*, despite reference to this fundamental document in the preambles to the governance constitution of USM. Moreover, the bylaws of the senate state that “the administrative officers of the university should consult with the faculty and rely on advice and assistance from the faculty in the performance of their administrative responsibilities, particularly where administrative officers are called upon to make decisions bearing directly on the central academic functions of the faculty.” In its pattern of confining its communications with the faculty on programmatic matters to announcement of accomplished fact, the administration has ignored not only AAUP-supported governance standards but also its own published statements. The program closures at USM are not merely matters of bookkeeping; they impinge on matters of curriculum and instruction, for which the faculty should always have primary responsibility. The administration’s ignoring the faculty senate, repeatedly and apparently deliberately, is at odds with generally accepted norms of academic governance in American higher education. ■

DEANNA WOOD (Library Science)
University of New Hampshire

Investigating Committee

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

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

Members: **MICHAEL BÉRUBÉ** (English), Pennsylvania State University*; **DON M. ERON** (Writing and Rhetoric), University of Colorado; **MARJORIE HEINS** (Law), New York, NY; **CHRISTOPHER HOOFNAGLE** (Law), University of California, Berkeley; **WALTER BENN MICHAELS** (English), University of Illinois at Chicago; **DEBRA NAILS** (Philosophy), Michigan State University; **CARY R. NELSON** (English), University of Illinois at Urbana-Champaign; **JOAN WALLACH SCOTT** (History), Institute for Advanced Study; **HANS-JOERG TIEDE** (Computer Science), Illinois Wesleyan University; **RUDY FICHTENBAUM** (Economics), Wright State University, *ex officio*; **RISA L. LIEBERWITZ** (Law), Cornell University, *ex officio*; **JOAN E. BERTIN** (Public Health), Columbia University, *consultant*; **BARBARA M. JONES** (Legal History), American Library Association, *consultant*; **JAMES TURK** (Sociology), Ryerson University, *consultant*; **IRENE T. MULVEY** (Mathematics), Fairfield University, *liaison from the Assembly of State Conferences*

*Did not participate in the vote.

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MICHAEL BÉRUBÉ (English)
Pennsylvania State University, *Chair*

HOWARD D. BUNNIS (Accounting)
Eastern Michigan University

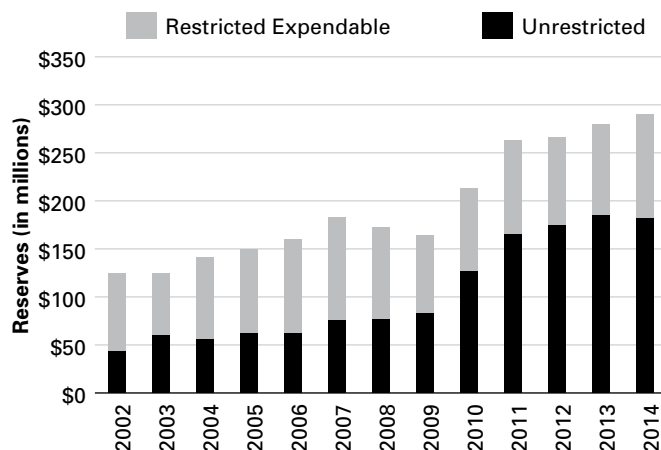
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Executive Summary

Analysis of the Financial Situation of the University of Maine System and the University of Southern Maine

The University of Maine system remains in very strong financial condition, having generated large cash surpluses and reserves. The main basis for this conclusion is the university’s high bond rating, which is buttressed by strong reserves. As figure 1 demonstrates, reserves are not only strong but growing.

At the University of Southern Maine, as table 1 shows, the amount of total expenses devoted to those who teach is only 31.4 percent. For full-time faculty members (the ones who were eliminated), instructional costs (salaries plus benefits) are only 18.5 percent of total expenses. Given how small a share of total

Figure 1



Source: University of Maine system audited financial statements

Table 1

	2008	2009	2010	2011	2012	2013
Full-Time Instruction Salaries + Benefits/Total	19.5%	19.9%	20.0%	18.6%	18.8%	18.5%
Part-Time Instruction Salaries + Benefits/Total	10.4%	10.1%	10.6%	11.5%	11.9%	12.8%
All Instruction Salaries + Benefits/Total	29.9%	30.0%	30.6%	30.1%	30.7%	31.4%

Source: Integrated Postsecondary Education Data System of the US Department of Education

Table 2

	2011	2012	2013	2014	2015	% Change 2011 to 2015
Full-Time Faculty	379	370	357	343	311	-18%
Part-Time Faculty	294	273	323	316	311	6%
Total Faculty	673	643	680	659	622	-8%
Enrollment	9,654	9,301	9,385	8,923	8,428	-13%

Source: University of Southern Maine common data sets

expenses is devoted to full-time faculty positions, there was no warrant to lay off any full-time faculty members.

The University of Southern Maine had already implemented a large reduction in the number of full-time faculty positions through the 2014–15 academic year, as table 2 demonstrates.

From 2011 to 2015, enrollment at USM declined by 13 percent; however, the number of full-time faculty positions declined by 18 percent during this period. Given the previous decline in full-time faculty positions, there is no demonstrated need for additional reductions.

Furthermore, these reductions were accompanied by an increase in part-time faculty positions. The shift to part-time faculty appointments is not a consequence of declining enrollment (since the reduction in full-time faculty appointments more than matches the enrollment decline). Rather, it represents administrative decisions to erode the full-time tenured professoriate.

Because the administration of the University of Southern Maine has more than sufficient current cash flows and reserves, any decision to eliminate even more full-time positions and replace them with part-time positions is unwarranted on financial grounds. ■

Report of Committee A on Academic Freedom and Tenure, 2014–15

Introduction

It is perhaps fitting that in this centennial year the Association published the same number of investigations as the infant AAUP published in its tumultuous and historic inaugural year. That we were compelled to investigate such a large number of cases—cases of major and significant national import—demonstrates that the past year has once again been a busy one for Committee A and for our Department of Academic Freedom, Tenure, and Governance. Indeed, these cases are sadly but the tip of a larger iceberg threatening our most fundamental values. We clearly live in challenging times for higher education and the professoriate, so I want to begin by thanking our members for their work and dedication in support of the AAUP and its principles and urging faculty members everywhere to join us in standing up for academic freedom, shared governance, quality higher education, and the common good.

Judicial Business

Impositions of Censure

At its June meeting, Committee A considered four cases that had been subjects of ad hoc investigating committee reports published since the 2014 annual meeting. The committee adopted the following statements concerning these cases, the Council concurred, and the 2015 annual meeting voted to impose censure.

The University of Texas MD Anderson Cancer Center.

The report of the investigating committee focuses on the cases of two long-serving full-time faculty members who were involuntarily separated from service when the cancer center's president declined to renew their term appointments, despite unanimous recommendations favoring renewal from the faculty personnel committee and despite their evidently having met the requirements for reappointment. Notwithstanding

their many years of service, neither faculty member held an appointment with indefinite tenure. MD Anderson is one of two institutions in the fifteen-member University of Texas system exempt from the system's tenure policy. In its place, the cancer center awards renewable seven-year term appointments, referred to in the institution's policy documents as "term tenure."

Both professors were denied a timely written statement of the reason for the nonrenewal of their appointments, and only one of them was afforded the opportunity to appeal the decision to a faculty body. Although the institution's policies require that appeals of nonrenewal of term tenure be addressed exclusively to the president, an exception was made for one faculty member, who was permitted to file a preliminary appeal with a faculty committee. The appeals committee found in his favor, though an administrative officer concealed that information from the faculty member. His final appeal to the president was unsuccessful. The other professor, in accordance with the institution's policies, was not allowed to contest the decision through a faculty body. He declined to appeal to the president, concluding that it would be futile to expect a favorable review from the official who himself had made the nonreappointment decision.

During the period covered by the report, the administration had exerted increasing pressure on basic-science faculty members to obtain grants to cover larger portions of their salaries and on clinical faculty members to treat more patients, with what the faculty claimed were deleterious results for research and patient care. That period also saw an increasing frequency in presidential rejections of unanimous faculty personnel committee recommendations for appointment renewal, reducing the faculty's confidence in the fairness of the reappointment process. As a consequence, faculty members could be inclined to select lines of research for their fundability and

predictable results. And they tended to censor their own discourse, especially in the years immediately preceding renewal decisions.

The investigating committee also inquired into the administration's removal of faculty status from a third faculty member because he lacked a Texas medical license. The professor's initial letter of appointment made no mention of any such requirement, his chair had regularly assured him that a temporary license would suffice, he was not provided promised time to study for the licensing exam, and other similarly situated faculty members were not required to obtain such a license, leaving open the question of the real basis for the decision.

The investigating committee found that the administration acted in disregard of the Association's *Recommended Institutional Regulations on Academic Freedom and Tenure* and of its own policies when it failed to furnish the two professors with written statements of the reasons for the decisions not to renew their appointments and when it failed to provide accurate licensure information to the third professor, leading to his loss of faculty status; of the *Statement on Government of Colleges and Universities* when it failed to provide compelling reasons stated in detail for rejecting the recommendations of the faculty personnel committee, when it unilaterally appointed department chairs, and when it failed to involve faculty in academic decisions; and of the 1940 *Statement of Principles on Academic Freedom and Tenure*, which calls for extending the procedural protections of tenure to full-time faculty members whose service exceeds seven years, when it failed to afford the two nonreappointed professors an adjudicative hearing before an elected faculty body in which the burden of demonstrating adequate cause for dismissal would rest with the administration.

Committee A recommends to the 101st Annual Meeting that the University of Texas MD Anderson Cancer Center be added to the Association's list of censured administrations.

The University of Illinois at Urbana-Champaign.

The report of the investigating subcommittee concerns the actions taken by the University of Illinois administration to reject the appointment of Professor Steven Salaita. In October 2013, Professor Salaita was offered a tenured position in the American Indian Studies Program at UIUC, effective in August with the start of the fall 2014 semester. He accepted the offer, received course assignments, and resigned from his

tenured position at Virginia Polytechnic Institute and State University. Professor Salaita's posts in late summer 2014 on the social media site Twitter expressed outrage in strong language over the war in Gaza. After these posts were brought to the attention of the UIUC administration, Chancellor Phyllis Wise informed him on August 1 that his appointment would not be submitted to the board for approval. His appointment, like all tenured appointments, had been defined in the administration's offer as subject to final approval by the board of trustees, but the appointee and those who recruited him had reason to believe that board approval was a mere formality, mainly because the board's meeting was scheduled for September 25, more than two weeks after the fall term began. Subsequently, the chancellor did submit the appointment to the board, which voted in September to reject it.

The Association has consistently held that aborting an appointment without having demonstrated cause is tantamount to summary dismissal, an action categorically inimical to academic due process. As the stated reasons for Professor Salaita's dismissal were his Twitter posts, the administration was obligated under AAUP-supported standards to demonstrate that these extramural utterances clearly implicated his professional fitness as a faculty member. Instead, the chancellor and trustees justified the dismissal by insisting that "civility" was a standard by which to judge the fitness of a scholar and teacher. They further maintained that incivility threatened the comfort and security of students. The trustees claimed that disrespectful and demeaning speech "is not an acceptable form of civil argument" and "has no place . . . in our democracy." In rejecting Professor Salaita's appointment after it had already begun, the board chair did express interest in compensating him for the damage done to his pocketbook and to his academic career.

The investigating subcommittee concluded that the rejection of the Salaita appointment for the reasons stated by the chancellor and the board violated Professor Salaita's academic freedom and cast a pall of uncertainty over the degree to which academic freedom is understood and respected at UIUC. The subcommittee further concluded that the chancellor in her rejection of the Salaita appointment contravened AAUP's widely accepted standards for the conduct of academic governance.

Responding to an invitation to provide information on subsequent developments at UIUC of which Committee A should be aware when it formulates a statement on the Salaita case for presentation to the

2015 annual meeting, the administration informed the committee of efforts to improve institutional policies and practices, which in the judgment of Committee A have not adequately addressed the issues raised in the investigative report. We will continue to monitor developments in this regard.

Chancellor Wise has reported that “genuine and significant” efforts have been made to reach a settlement with Professor Salaita. Professor Salaita’s attorneys dispute this. Whatever the outcome of the litigation, the Association’s concern is not with whether an administration’s actions have been legal but rather with whether they conform to sound academic practice as established in AAUP principles, principles that UIUC has itself endorsed.

Committee A therefore recommends to the 101st Annual Meeting that the University of Illinois at Urbana–Champaign be placed on the Association’s list of censured administrations.

Felician College (New Jersey). The report of the investigating committee concerns the cases of seven full-time faculty members at this Roman Catholic institution established by the Felician Sisters. These faculty members, along with nine colleagues who did not seek the Association’s assistance, received letters in late January 2014 informing them that their services at the college would be terminated effective June 20. The reason given for the action was “the exigency of the college’s financial status” arising from declining enrollments. Although the new president had in the fall initiated an “academic prioritization process,” the faculty did not perceive that undertaking as potentially leading to layoffs, had heard no previous mention of financial exigency or potential termination of faculty appointments, and did not view two years of declining enrollments as ominous, having seen the college survive similar downturns in the past. Recipients of the notices stated that they came as a complete surprise.

Most faculty members, including department chairs, were unaware that in fall 2013 the president had directed the provost and the deans to compile a list of full-time faculty members whose appointments were to be terminated, although one dean declined to participate in the process and retired from the college shortly afterward, not wishing to “preside over a decimated and demoralized faculty.” The criteria, if any, employed in making the selections were never revealed to the faculty.

Even after the notices were sent, the college did not declare a state of financial exigency and, shortly

after the terminations became effective, published a strategic plan that included a number of expensive initiatives. In attempting to explain the action to the Association’s staff, the president, while referring to a “challenging” financial situation, stressed a stated need to address an over-generous faculty-student ratio.

Making the terminations easier for the administration to effect was the lack of any provision at the college for indefinite tenure, with all full-time faculty members serving on renewable term appointments. Annual appointment contracts, furthermore, contained the following sentence: “In the event that student enrollment during the period of this contract does not warrant the continued offering of courses or services in your professional area, the appointment may be terminated.” Six of the affected faculty members had served at the college for over a decade, while the seventh was in his fourth year of service.

The investigating committee found that in attributing its action of terminating sixteen faculty appointments simply to “the exigency of the college’s financial status” without any further explanation, the administration violated the joint 1940 *Statement of Principles on Academic Freedom and Tenure*, which requires that terminations based on financial exigency be “demonstrably bona fide.” Noting that those affected faculty members who had served beyond the maximum probationary period permitted by the 1940 *Statement* were entitled under that document to the procedural safeguards against involuntary termination that accrue with continuous tenure, the committee found that the administration, in insisting that its decisions on terminations were final and not subject to review, acted summarily and in virtually total disregard of the applicable provisions of Regulation 4c (“Financial Exigency”) of the Association’s derivative *Recommended Institutional Regulations on Academic Freedom and Tenure*.

The committee found that the administration acted in disregard of the AAUP’s *Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments* when it failed to provide the affected faculty member in his fourth year of service with an explanation of why he was selected for release, with adequate notice, and with an opportunity for review. The committee found that a state of financial exigency as defined by the Association did not exist at Felician College, leaving as the most plausible reason for terminating the appointments of approximately 15 percent of the full-time faculty the administration’s dubious wish to “improve” the faculty-student ratio.

Regarding the climate for academic freedom, the committee found that the fear of faculty members to communicate with the investigating committee or to be seen by the administration as dissenters was palpable, and that the administration, in denying emeritus status to a long-serving and highly regarded teacher and scholar with a record of speaking out against what he considered wrong, was punitive and petty in the extreme. As to the faculty's role in governance, the committee concluded that, while the forms of faculty governance exist, the substance is sorely lacking, with the administration refusing to involve or even inform the faculty when important academic decisions were made.

Committee A recommends to the 101st Annual Meeting that Felician College be added to the Association's list of censured administrations.

The University of Southern Maine. The investigation of Association concerns at the University of Southern Maine followed actions taken by the administration in fall 2014 to close four academic programs (American and New England studies, arts and humanities at the Lewiston campus, French, and applied medical sciences), to eliminate the Department of Geosciences, and to terminate the appointments of approximately fifty tenured as well as long-serving nontenured faculty members.

The University of Maine system administration did not declare financial exigency for the system as a whole or for its USM campus. USM administrators alleged the need to restructure and eliminate programs in order to close a projected budget deficit for the following academic year. Additionally, the administration argued that USM needed to become a "metropolitan university" whose mission did not duplicate that of any other University of Maine institution.

The investigating committee concluded that the USM administration not only acted in violation of the 1940 *Statement of Principles on Academic Freedom and Tenure* but also disregarded derivative Association-supported standards, in particular, Regulations 4c ("Financial Exigency") and 4d ("Discontinuance of Program or Department for Educational Reasons") of the *Recommended Institutional Regulations on Academic Freedom and Tenure*. Moreover, its actions were at odds with key provisions of the *Statement on Government of Colleges and Universities*, despite references to this fundamental document on shared governance in the preamble to the governance constitution of the USM.

The investigating committee was particularly baffled that, of the four programs selected for closure, three seemed to be central to the "metropolitan university" model advocated by the administration. The committee noted that the program in American and New England studies sent graduates into cultural institutions that directly served the people of Maine, while the high importance of the French program in a state with so many French speakers, the committee observed, went without saying. But the program whose closure most mystified the investigating committee was that of applied medical sciences. The committee was especially struck by the letters of local industry officials, who were bewildered and upset with the news that USM would close a program of such easily demonstrable utility in this growth area of the Maine economy. The committee cited numerous such letters testifying to the vocal and widespread support for a graduate program in applied sciences with both immediate and long-term implications for scientific research and public health. That this support was apparently irrelevant to USM officials, advocates of the "metropolitan university" model, was deeply troubling to the investigating committee.

Also striking was the fact that these programs were canceled in midyear and that no provisions were made for students remaining in the programs to complete their courses of study, in violation of the standards of the New England Association of Schools and Colleges, the university's accrediting body.

The investigating committee concluded with regard to USM's financial condition that it was not facing significant financial distress. It concluded further that the administration ignored the faculty senate's recommendations on programmatic matters, repeatedly and apparently deliberately, in disregard of generally accepted standards of academic governance in American higher education. What remains unresolved in this investigation is the role of the University of Maine system in these closures, a role that should be closely monitored hereafter.

Committee A recommends to the 101st Annual Meeting that the University of Southern Maine be placed on the Association's list of censured administrations.

Removal of Censure

Committee A adopted the following statement recommending action to remove Yeshiva University from the Association's list of censured administrations. The Council concurred in the statement, and the annual meeting voted its approval.

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 developments, 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 101st Annual Meeting that Yeshiva University be removed from the Association's list of censured administrations.

Other Committee Activity

At its fall meeting, Committee A authorized a small subcommittee, in response to issues raised by the UIUC case, to construct a page on the AAUP's website containing Association documents addressing the topic of civility and academic freedom. The page can be found at <http://www.aaup.org/issues/civility>. The committee also agreed that its members should communicate with committee member Michael Bérubé, the 2015 editor of the AAUP's *Journal of Academic Freedom*, about submitting essays on this topic for the upcoming issue. At this meeting, the committee directed the staff to provide the committee with language setting forth the AAUP's position on the due-process protections that should be afforded full-time faculty members outside the tenure system whose length of service exceeded the maximum period of probation, an issue bearing on potential censure removal at Louisiana State University, Baton Rouge.

The AAUP's 2014 annual meeting had delegated to Committee A the authority to remove the censure, if it could attest by the time of its fall meeting that "actions are in process which will ensure the protections of academic due process for full-time faculty members holding contingent appointments." Not being able to so attest, Committee A took no action and asked the staff to inform the LSU administration that the matter of censure removal would accordingly be held over until Committee A reports to the 2015 annual meeting. The committee also asked the staff in its communications with LSU to explain the committee's position on due process for contingent faculty members in this case, to note that the committee would make no public announcement about its taking no action on the

censure, and to encourage further discussions between LSU administrative officers and the staff regarding other ways to address the due-process issue.

At its May meeting, Committee A agreed to the appointment of a joint subcommittee, with the Committee on Women in the Academic Profession, to study the issue of college and university administrators increasingly relying, when responding to Title IX complaints, on policies and procedures that disregard AAUP-recommended principles and procedural standards. At the meeting, the committee also considered a text produced by the staff articulating the Association's position on academic due process for full-time contingent faculty members with more than seven years of service. Three members of the committee agreed to add a few sentences of framing language to the text.

The Committee also discussed developments involving New York University's Abu Dhabi campus. As reported in the *New York Times* and elsewhere, the United Arab Emirates has denied an entry visa to NYU faculty member Andrew Ross, president of our chapter at that institution. Professor Ross was to conduct research on labor conditions in Abu Dhabi. In March, the AAUP issued a statement, drawing on our 2009 statement *On Conditions of Employment at Overseas Campuses*, formulated jointly with the Canadian Association of University Teachers. The statement emphasized that this "denial of entry has ominous implications for the state of academic freedom at NYU's branch campus in Abu Dhabi" and called on "the administration of NYU to make every effort to get the ban on Professor Ross lifted and, should such efforts fail, to work with its faculty to reconsider its role in the emirate." Seeing no movement toward a successful resolution, the committee asked the staff to write to the NYU president restating the AAUP's concerns and inquiring what the NYU administration has done and intends to do to address the ban.

Additional topics at the spring meeting included academic freedom and Freedom of Information Act requests, tenure and governance issues in the closing of Sweet Briar College, academic freedom and donors attaching conditions to their donations, investigating academic freedom violations after settlements have been reached, and the national office's endorsing local and state activists as authorities on AAUP policy.

Conclusion

I want to thank the members of Committee A for their tireless work on behalf of the principles of academic

freedom, our profession, and the AAUP. I would also like to thank the members of the Department of Academic Freedom, Tenure, and Governance as well as other members of our devoted national staff for their support of the committee and their hard work on behalf of academic freedom, shared governance, and the common good throughout higher education. In particular, I want to thank Donna Young, who is returning to her faculty position at Albany Law School after a year of service to the department. Fortunately for the Association, Donna's position will be filled starting January 1, 2016, by Hans-Joerg Tiede, a member of Committee A as well as the AAUP Council and Executive Committee and president of the AAUP Assembly of State Conferences. Joerg edited the new 11th edition of *AAUP Policy Documents and Reports* (the "Redbook"), which appeared in January. I also want to acknowledge the fine work of the department's new administrative assistant, Donna Banks,

who in just a few short months has proven to be an invaluable asset to our Association.

Lastly, it would be extraordinarily remiss not to acknowledge that this centennial year also marked the fiftieth anniversary of Jordan E. Kurland's appointment to the AAUP staff. Jordan is the energizer bunny of academic freedom; he never stops fighting on our behalf. As a resolution passed by thunderous acclamation at the AAUP annual meeting in June noted, Jordan "has played a role in more than 90 percent of the case investigations conducted in the Association's history. . . . During the past fifty years, Jordan has contributed, quietly and behind the scenes, more than any other individual to the AAUP's core endeavor of developing and implementing recommended standards on academic freedom, tenure, and governance." He is an inspiration to us all. Thank you, Jordan, for all that you have done and will continue to do to advance the mission of the AAUP.

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 during the 2014–15 academic year.

A senior professor holding an endowed chair at a university on the Gulf Coast was interviewed by a prominent newspaper on the subject of American slavery. The professor's reply included the remark that daily life as a slave was not so bad as the abomination of abducting and forcing innocent people against their will into servitude. The newspaper story, however, identifying him and his university, quoted him as having said only that slavery "was not so bad." The resulting uproar was predictable, particularly among the university's student body, faculty, and trustees. The university's president, wanting to distance the institution immediately from what was quoted, submitted a column denouncing the quotation and its alleged author that was published in the weekly student newspaper.

The professor, having already announced that he would be suing the offending newspaper for libel, now publicly threatened to sue his university and its president as well. He sought assistance from the Association's staff, and a member asked him what, short of prevailing in a lawsuit, he would foresee as adequate remedy. He replied that he would welcome a public apology for the president's not having obtained

an explanation from him before publicly attacking him. Asked by the staff member if he would settle for a private meeting with the president at which the president would explain why he acted without first checking with the alleged "not so bad" slavery expert, the professor said that the private meeting would be satisfactory, provided that he was free to talk about it afterward.

The staff member then talked with the president, who said that on the eve of the student newspaper publication, he walked over to the professor's building to look for him but could not locate him. He said that he remained willing to meet with the professor. The staff member promptly arranged for a meeting that both parties understood would provide opportunity for the professor to tell the president directly about the injury the president's letter inflicted on him and opportunity for the president to explain why he responded as he did. In addition, the professor could request confirmation that his academic freedom would continue to be respected. Afterward, the president sent the staff a succinct "many thanks!!" As for the professor, the officers of the state conference

enlisted him electronically to AAUP membership, and he informed the staff that “your newest member” is “very grateful!”

* * *

An assistant professor in his sixth year of service at a historically black institution in the South sought the AAUP’s assistance after receiving notice in late April that his probationary appointment would not be renewed beyond the end of May. AAUP-supported standards require twelve months of notice for a faculty member with three to six years of full-time service. The foundation for this decision was an administrative directive, issued in mid-April, stating that any faculty members in their sixth year of service who declined to submit an application for tenure would “by administrative default” have their services terminated “at the close of the sixth-year contract.” Through what he contended were administrative errors in communicating with him about the year in which he should stand for tenure, the professor had not submitted a tenure application.

The staff’s letter to the administration pointed out that the notice provided was inadequate under both AAUP-supported standards and the institution’s own policy. With the professor having already begun a full-time appointment elsewhere, the AAUP staff urged the administration to pay him one half year’s salary in lieu of an additional year of appointment. Not long after the letter was sent, the professor informed the staff that the administration had made him exactly that offer, in return for releasing any further claims against the institution, an outcome with which he expressed surprise and delight.

* * *

A small university in the Midwest initially had all the members of its faculty serving for terms of one year at a time, renewable at the administration’s discretion. A decade ago, a procedure for faculty review of a contested decision against retention was adopted, but the burden of proof rested with the affected faculty member, whose status throughout his or her career thus was tantamount to that of a probationer. Under the 1940 *Statement of Principles on Academic Freedom and Tenure*, a full-time faculty member whose service has exceeded the maximum seven years of probation can be dismissed only for cause as demonstrated in a

hearing before a body of peers. The burden of proof in such a hearing is to rest with the administration.

A faculty member at the university turned to the Association for assistance after having been notified of nonretention beyond her twelfth year of full-time service. Indeed, in her tenth year she had been promoted in rank to an associate professorship. Shortly thereafter, however, she found herself out of favor with her dean. With her dismissal threatened, a member of the AAUP staff asked about the burden of proof in a hearing, which the dean called “the responsibility of all involved.” The staff member then asked the president, himself an AAUP member in his faculty days, for an amplification of “all involved.” The president, after informal discussion with the staff member, responded as follows: “[T]hose involved are the administration, the subject faculty member, and the hearing body. The administration, seeking the dismissal, is responsible for demonstrating cause for it. The faculty member, seeking to avoid dismissal, is responsible for his or her defense through questioning the adequacy of the stated cause. The hearing body is then responsible for determining whether adequate cause has been demonstrated and recommending accordingly.”

The foregoing has received the concurrence of the university’s faculty council and has been adopted as official policy.

The subject professor’s case was subsequently resolved through her resignation from the faculty as part of a negotiated settlement.

* * *

An assistant professor in his second year of service at a public university in the Southeast spent much of that year appealing an adverse nonreappointment recommendation, handicapped by not having been afforded written confirmation of the reasons for it. Under AAUP-supported standards, full-time faculty members denied renewal of appointment are entitled to a written statement of the reasons for the decision. It was only in late February, after he had exhausted every opportunity for an on-campus appeal, that the administration provided the professor a written statement of reasons along with notice of nonreappointment.

In writing to the administration, the AAUP staff emphasized that the professor had been compelled to pursue his appeals in ignorance of the basis for the nonreappointment decision and that the February

notice he received was far short of the six months of notice to which he was entitled under both AAUP-supported standards and the university's own policy. Furthermore, the staff's letter noted, since the professor intended to appeal to the governing board when it met in May, the decision on his reappointment could potentially not be final until summer. Because of the late notice and the failure to provide a timely statement of reasons, the staff urged the administration to offer the faculty member a terminal appointment for the following academic year.

The institution's outgoing president responded by invoking state law forbidding a public agency from negotiating with a labor union. The staff response conveyed puzzlement, pointing out that the Association was not a labor union, but a professional association, and that it had historically "enjoyed cordial relations with the administrations and governing boards of a number" of higher education institutions in that state. The staff letter elicited a letter from an assistant attorney general, reiterating the president's position, to which the staff replied that it found this response from the state's legal office even more puzzling than the president's. Nevertheless, very soon afterward the administration did offer the professor what the AAUP staff had urged as a resolution in return for his agreeing not to pursue his case further. ■

Report of the 2015 Annual Meeting

From June 10 to 14, 2015, the AAUP hosted its 101st Annual Meeting in Washington, DC. Concurrent with the annual meeting was the AAUP Conference on the State of Higher Education, which included plenary addresses and presentations on current issues confronting the academic community. The AAUP Collective Bargaining Congress also held its annual business meeting in conjunction with the AAUP annual meeting.

Keynote speeches at the conference focused on shared governance, the AAUP's history, and the attacks on public education. The opening plenary speaker was Larry Gerber, professor emeritus of history at Auburn University, former vice president of the AAUP, and a former chair of the AAUP's Committee on College and University Governance. Gerber spoke about the history of the faculty's role in governance, noting that the early decades of American higher education were characterized by strong presidents and powerful, intrusive governing boards. Over the twentieth century, however, a consensus emerged that the faculty should hold primary responsibility for academic decision making. That consensus is now threatened by developments such as the "corporate" model for higher education, tight budgets, erosion of the idea of higher education as a public good, and explosive growth in contingent appointments.

The Friday plenary luncheon speaker was Hans-Joerg Tiede, a professor of computer science at Illinois Wesleyan University and chair of the Committee on the History of the Association. Tiede's presentation, "Academic Unrest: Governance, Unionization, and the First Red Scare," focused on the formative early years of the AAUP's history. Tiede, who currently serves as chair of the Assembly of State Conferences and recently edited the eleventh edition of the AAUP's *Policy Documents and Reports* (commonly known as the Redbook), recently completed a book on the AAUP's founding and early history, which will be published later this year.

Saturday's luncheon celebrated this year's award recipients and provided an opportunity for the Association to honor its fifty-year members for their five decades of continuous membership.

The Saturday centennial banquet featured an address by Juan González, columnist at the *New York Daily News* and cohost of *Democracy Now!* In his address, González discussed the ongoing attacks on public education at all levels and offered his perspective on the state of education reporting. The banquet was followed by a gala celebration of the AAUP's centennial.

Photographs from the annual meeting and the higher education conference are available at <https://www.flickr.com/aaup>.

AAUP Collective Bargaining Congress

Richard F. Griffin Jr., general counsel of the National Labor Relations Board (NLRB), was the featured speaker at the AAUP-CBC banquet. Prior to becoming general counsel, Griffin served as an NLRB board member. He has served on the board of directors of the AFL-CIO Lawyers Coordinating Committee since 1994. Griffin spoke about recent developments at the NLRB that relate to faculty members and other employees at higher education institutions.

Irene Mulvey, professor of mathematics and computer science at Fairfield University, received this year's Marilyn Sternberg Award. Mulvey was recognized for her leadership and unwavering support of her fellow faculty members as well as her ability to increase her chapter's membership and spearhead several highly effective organizing campaigns. The Sternberg Award recognizes the AAUP members who "best demonstrate concern for human rights, courage, persistence, political foresight, imagination, and collective bargaining skills."

The results of the AAUP-CBC election are printed elsewhere in this issue in "Officers and Committees of the AAUP-CBC, 2015–16."

Capitol Hill Day

On June 11, AAUP members visited Capitol Hill to discuss legislation affecting higher education with their senators and representatives. This year's discussions focused on access, affordability, and protections for college students. The day ended with a reception on Capitol Hill, where discussions continued between AAUP members and congressional staff.

Censure Actions

The annual meeting voted to place the University of Texas MD Anderson Cancer Center, the University of Illinois at Urbana-Champaign, the University of Southern Maine, and Felician College on the Association's list of censured administrations. The annual meeting also voted to remove Yeshiva University from the list of censured administrations. Censure by the AAUP informs the academic community that the administration of an institution has not adhered to generally recognized principles of academic freedom and tenure. With these actions, fifty-six institutions are currently on the censure list.

The *Report of Committee A on Academic Freedom and Tenure, 2014–15*, included elsewhere in this issue, contains the committee's statements to the annual meeting on the imposition and removal of censure.

Media Awards

The Iris Molotsky Award for Excellence in Coverage of Higher Education was given to journalists Mina Kimes and Michael Smith of *Bloomberg News* for their article "Education Empire." Kimes and Smith's piece takes readers behind the scenes to show how Laureate Education, Inc., employed tactics banned in the United States to lure students in developing countries to enroll in its expensive and overcrowded for-profit colleges.

The AAUP presented the Martin D. Snyder Award for Excellence in Student Coverage of Higher Education to Sarah Brown and Hayley Fowler for their story "Nontenured Faculty Hope for Better Working Conditions." The story ran in the University of North Carolina's *Daily Tar Heel* on September 24, 2014. More information about the winners and links to their articles is at <http://www.aaup.org/media-release/education-empire-non-tenured-faculty-hope-better-working-conditions-win-awards>.

Ralph S. Brown Award for Shared Governance

The Gustavus Adolphus College board of trustees, including president Rebecca M. Bergman, received the 2015 Ralph S. Brown Award for Shared Governance.

The college's faculty senate, chaired by professor Max Hailperin, nominated the board for having "dramatically revitalized the college's previously strained shared governance culture, at the same time documenting elements of the process, which could serve as a model for other institutions facing similar challenges." The Brown Award is given to American college or university administrators or trustees "in recognition of an outstanding contribution to shared governance." It was established in 1998 in memory of Ralph S. Brown, who served as AAUP president and general counsel and headed many AAUP committees during his forty-four years of service to the Association. The award is not conferred annually; the Association reserves the distinction for those occasions when some accomplishment in the area of shared governance is identified as so outstanding as to merit being singled out.

Georgina M. Smith Award

Barbara Hopkins, professor of economics at Wright State University, was selected as the 2015 recipient of the AAUP's Georgina M. Smith Award. During her time as grievance officer at Wright State, Hopkins has worked tirelessly to document, report, and remedy troubling patterns of racial bias in promotion and tenure in the university's College of Nursing and Health. Through Hopkins's efforts, three faculty members successfully won their appeals before the university-wide tenure and promotion appeals committee and received tenure.

The award was established in 1979 to honor the memory of Georgina M. Smith, a professor at Rutgers University, who was a committed feminist, an AAUP leader, and a strong supporter of her faculty union. The award is presented "to a person who has provided exceptional leadership in the past year in improving the status of academic women or in advancing collective bargaining and through that work has improved the profession in general." Rather than grant these awards annually, the Association reserves the distinction for those occasions when the judges have identified a particular candidate as so outstanding as to merit being singled out.

Assembly of State Conferences Awards

This year's William S. Tacey Award, which recognizes outstanding service to a state conference over a number of years, was given to John Harms of Missouri State University. Harms was recognized for his service as vice president of the Missouri conference of the AAUP.

John McNay, a professor of history at the University of Cincinnati and president of the Ohio AAUP conference, won the Al Sumberg Award, which is given to an individual or group to recognize excellent work in lobbying for higher education issues.

The Western Michigan University AAUP chapter was the recipient of the 2015 Outstanding Chapter Website Award.

AAUP Foundation Travel Grants

The AAUP Foundation made five grants to support participation in the AAUP annual meeting.

Konheim Travel Fund Grants are for travel-related expenses incurred by chapters engaged in advancing the Beatrice G. Konheim Award criteria, which are to advance the AAUP's objectives in academic freedom, student rights and freedoms, the status of academic women, the elimination of discrimination against minorities, or the establishment of equal opportunity for members of colleges and universities. The Konheim Travel Fund winners for 2015 were David Nalbone of the Purdue University, Calumet, AAUP chapter; Elizabeth Brannon of the University of Rhode Island Graduate Student Association; and Eva Raimon of the University of Southern Maine AAUP chapter.

Hopper Travel Fund Grants are for individuals attending their first AAUP annual meeting. Candidates may be nominated by either a chapter or a conference. The Hopper Travel Fund winners for 2015 were Kathryn Kuhn of Saint Louis University (nominated by the Missouri AAUP conference) and Troy Smith of Tennessee Technological University (nominated by the Tennessee AAUP conference).

Resolutions and Proposal

The 101st Annual Meeting approved two resolutions: one expressing concerns about proposals by the Wisconsin state legislature to weaken academic freedom and shared governance in the University of Wisconsin system and another honoring AAUP associate general secretary Jordan E. Kurland for his fifty years of service as a member of the AAUP's professional staff.

The first resolution, which concerns the Wisconsin state legislature's recent proposals, reads as follows:

By this resolution, the 101st Annual Meeting of the American Association of University Professors adds its grave concerns to those currently being voiced throughout the world of higher learning regarding the proposals for action by the Wisconsin legislature later this

month. The University of Wisconsin's special reputation for independence in seeking the truth dates back to 1894, when its governing board, resisting pressures to dismiss a famous dissenting professor, expressed its belief that the university "should ever encourage that continual and fearless sifting and winnowing by which the truth can be found."

The current proposals threaten to discourage what the nineteenth-century board so eloquently encouraged. They require the legislature to "delete current law specifying that the faculty of each institution be vested with responsibility for the immediate governance of such institution." They allow the governing board to terminate tenured faculty appointments in the event of "a program or budget decision regarding program discontinuance, curtailment, modification, or redirection, instead of when a financial exigency exists as under current law." Provision after provision is at odds with the AAUP's *Recommended Institutional Regulations on Academic Freedom and Tenure* and its *Statement on Government of Colleges and Universities*.

As AAUP president Rudy Fichtenbaum stated in a letter to the chair of the University of Wisconsin System Board of Regents and the president of the University of Wisconsin System, "These changes in tenure and due process and the \$250 million proposed cut to the UW System amount to a direct attack on higher education as a public good."

The Annual Meeting calls on faculty members in the University of Wisconsin System and their faculty colleagues throughout Wisconsin to work with students, alumni, and community leaders to organize resistance to these proposals and to demand that they be rejected. We also call on the regents and administration of the University of Wisconsin System publicly to state their opposition to these proposals and to resist their implementation if they are approved.

Beyond Wisconsin, the Annual Meeting calls on faculty members throughout the United States to support our Wisconsin colleagues to ensure that similar proposals do not gain traction elsewhere.

Should these proposals become law, the Annual Meeting also calls on the leadership of the AAUP to consider appropriate responses to this attack, including the organization of faculty resistance.

The second resolution, honoring Jordan E. Kurland, reads as follows:

Associate General Secretary Jordan E. Kurland joined the Association's staff on June 16, 1965, having taken a leave of absence from his tenured appointment at the University of North Carolina at Greensboro. The year 2015 thus marks not only the AAUP's centennial but also Jordan's fiftieth anniversary as a member of the Association's professional staff.

For most of that half century up to the present, he has presided over the Association's major case work in academic freedom and tenure, despite having officially stepped down fifteen years ago as director of staff for Committee A on Academic Freedom and Tenure.

He has played a role in more than 90 percent of the case investigations conducted in the Association's history, among them the 2007 investigation of five New Orleans universities after Hurricane Katrina, a major undertaking for which he was the responsible staff member. He has toiled incessantly to accomplish censure removal at scores of institutions, including all four of the universities censured as a result of the Katrina investigation and, at this annual meeting, the thirty-three-year-old censure at Yeshiva University.

He has been instrumental in maintaining the excellence that has characterized AAUP policy statements and reports on academic freedom, tenure, and governance, notably key sections of the *Recommended Institutional Regulations on Academic Freedom and Tenure*, which have been widely adopted in American higher education.

He has carried out these responsibilities with relentless dedication, zeal, and even joy, seeking no recognition for himself and putting to good use his powerful intellect, nearly photographic memory, remarkable creativity and flexibility, pointed eloquence, keen editorial skills, and encyclopedic knowledge of the AAUP's history.

He has gained the affection, respect, and admiration of members of the AAUP's staff and leadership with whom he has worked closely over the years—including many whom he mentored.

During the past fifty years, Jordan has contributed, quietly and behind the scenes, more than any other individual to the AAUP's core endeavor of developing and implementing

recommended standards on academic freedom, tenure, and governance.

The American Association of University Professors therefore takes great pleasure in honoring Jordan E. Kurland for his fifty years of service on the Association's professional staff and, in particular, for his unrivalled contribution during the preceding half century to the Association's historic mission of advancing the "standards, ideals, and welfare of the profession."

The 101st annual meeting also approval a proposal in support of the American Federation of Musicians. The proposal reads as follows:

WHEREAS, the American Federation of Musicians (AFM) was established and chartered by the American Federation of Labor in 1896; WHEREAS, the American Federation of Musicians is the largest organization in the world representing the interests of professional musicians; WHEREAS, solidarity is a critical component of the labor movement;

WHEREAS, the American Association of University Professors supports the principles of solidarity and hiring union labor whenever practicable; and

WHEREAS, musical entertainment is used at some AAUP national and chapter events;

NOW, THEREFORE, BE IT

RESOLVED, that the American Association of University Professors shall show solidarity with the American Federation of Musicians; and be it further

RESOLVED, that the AAUP shall and shall recommend that all AAUP local chapters, when using musical entertainment at their functions, make every effort possible to hire union musicians who have active membership in the American Federation of Musicians and utilize contracts approved by the appropriate AFM local when hiring union musicians.

Resolutions are expressions of opinion by a meeting and do not constitute legislative action of the Association. They generally concern subjects of general interest to the academic profession and the public. Proposals concern the internal organization of the Association and the Association's activities; if a proposal is adopted by the annual meeting and concurred in by the Council, the action it proposes becomes the action of the AAUP. ■

Fifty-Year AAUP Members

John Q. Adams
Millsaps College

O. Roger Anderson
Columbia University

Victor G. Badding
Manhattan College

Edward J. Behrman
Ohio State University

Geneva G. Belford
University of Illinois at
Urbana-Champaign

Leslie Z. Benet
University of California,
San Francisco

Charles L. Brewer
Furman University

Frederick P. Brooks
University of North
Carolina at Chapel Hill

Jane L. Buck
Delaware State University

John F. Bulrough
Fairleigh Dickinson
University

Janice A. Casey
Marist College

Eloise N. Clark
Daytona State College

Charles Courtney
Drew University

Cynthia M. Dantzie
Long Island University,
Brooklyn Campus

Richard O. Davies
University of Pennsylvania

Michael D'Innocenzo
Hofstra University

Hans Gesund
University of Kentucky

Herbert E. Gishlick
Rider University

W. Lee Hansen
University of Wisconsin-
Madison

Alan Hausman
City University of New
York Hunter College

William A. Howard
University of Illinois at
Chicago

Daniel B. Howell
Nebraska Wesleyan
University

Louise M. Jefferson
Wayne State University

Thomas M. Keefe
Saint Joseph's University

Thomas C. Kipps
California State University,
Fresno

Thomas S. Korllos
Kent State University

Earl T. Kumfer
University of Saint
Francis-Fort Wayne

Joseph S. Larson
University of
Massachusetts Amherst

Roy E. Licklider
Rutgers University

Ivan Lobay
University of New Haven

Donald W. Loveland
Duke University

Marion B. Lucas
Western Kentucky
University

Hugh J. Martin
Ohio University

Arden E. Melzer
University of Pittsburgh

John W. Meyer
Stanford University

Laura H. Miller
Indiana University of
Pennsylvania

Mary-Emily Miller
University of Delaware

Sidney A. Mook
Michigan State University

Robert L. Patten
Rice University

John F. Peterson
University of Rhode Island

Edward L. Richards
Norwich University

James T. Richardson
University of Nevada,
Reno

Sarah Anne Robinson
Springfield, Illinois

Allan J. Rosen
South Orange, New Jersey

Bernard Rosen
Ohio State University

Rudolf J. Siebert
Western Michigan
University

Ivar Stakgold
University of Delaware

Bertram L. Strieb
La Salle University

James Waddell
Rancho Mirage, California

Herbert C. Winnik
Saint Mary's College of
Maryland

Philip K. Wion
University of Pittsburgh

Wayne C. Wolsey
Macalester College

Donald L. Woodrow
Hobart William Smith
Colleges

Corrections to the 2014–15 Annual Report on the Economic Status of the Profession

The data shown on the following pages include corrections or additions to the faculty compensation data reported in appendices I and II of the *Annual Report on the Economic Status of the Profession, 2014–15*, published in the March–April 2015 issue of *Academe*. Boldface type indicates corrections or additions.

APPENDIX I

ST. NAME	NOTES	(1) CAT.	(2) AVG. SAL. RTG.				(3) AVG. SALARY (\$1000s)					(4) AVG. COMP. RTG.				(5) AVG. COMPENSATION (\$1000s)				
			PR	AO	AI	IN	PR	AO	AI	IN	AR	PR	AO	AI	IN	PR	AO	AI	IN	AR
AL Auburn U-Montgomery		28 IIA	3	4	5	5	88.7	67.4	54.3	39.0	66.7	4	4	5	5	111.2	86.0	69.5	51.3	84.7
AL U Montevallo		IIA	4	4	4	3	78.3	69.8	57.2	49.0	66.4	5	4	4	4	100.4	85.0	75.0	61.9	84.5
AK U Alaska-Southeast	180	IIA	2	2	2	-	97.9	78.0	66.1	----	71.1	2	2	3	-	127.6	101.8	86.4	----	92.9
AZ Arizona St U-Polytechnic		IIA	1	1	1	5	121.9	86.6	77.6	38.6	73.7	1	1	1	5	156.3	115.8	103.8	58.4	99.4
CA Biola U		IIA	2	1	2	1	100.0	81.7	67.8	60.6	82.5									
CA Cal Poly St U-San Luis Obispo		IIA	2	2	2		95.5	77.6	70.3		79.3	2	2	1		128.2	106.9	96.9		107.9
CA Chapman U	16	IIA	1*	1*	1*	1*	148.5	95.2	83.6	74.0	105.9	1*	1*	1*	1	187.3	126.6	108.8	94.3	136.7
CA Fresno Pacific U	28,91	IIA	5	5	4	4	72.7	64.5	58.8	47.1	62.2	5	4	3	3	94.2	86.0	80.3	68.6	83.7
CA Harvey Mudd Coll		IIB	1*	1*	1*		142.2	100.6	84.9		121.8	1*	1*	1*		182.9	138.0	119.7		160.6
CA Humboldt St U		IIA	3	4	2		89.1	70.1	66.0		73.1	3	3	2		119.9	97.0	92.8		100.3
CA Saint Mary's Coll California	31,221	IIA	1	1	1		111.3	89.6	75.1		94.0	1	1	1*		157.9	124.1	109.1		132.6
CA San Diego St U		IIA	2	1	1		99.5	81.1	77.2		84.3	2	1	1		132.1	110.0	104.0		113.5
CA San Jose St U		IIA	2	2	1		96.3	78.6	74.1		83.1	2	2	1		127.8	107.0	100.0		111.7
CA Sonoma St U		IIA	3	3	2		87.9	70.7	66.1		78.0	3	3	2		117.1	98.7	91.8		105.9
CO Fort Lewis Coll	31	IIB	2	3	3	2	87.0	65.8	59.0	50.1	68.2	3	4	3	3	111.7	84.6	75.7	64.4	87.5
CT Eastern Connecticut St U		IIA	2	2	3	-	99.3	80.2	65.1	----	85.2	1	1*	1*	-	156.5	131.3	106.8	----	136.7
CT Fairfield U	27	IIA	1	1	1	1*	121.5	93.1	76.3	67.7	94.7	1*	1*	1	1*	161.4	129.2	106.0	99.9	129.9
CT Quinnipiac U		IIA					130.9	99.8	83.0	56.0	100.7					170.7	132.2	105.4	71.1	130.5
CT U Saint Joseph	25,64	IIA	3	2	2	4	90.8	77.0	68.3	48.4	73.7	3	2	2	4	118.1	99.0	88.7	59.2	95.4
CT Wesleyan U		IIA	1*	1*	1*		141.5	97.7	81.9		103.4	1*	1	1		180.3	125.6	103.9		132.1
CT Western Connecticut St U	28	IIA	2	1	1	-	105.1	84.4	70.8	----	90.3	1*	1	1*	-	159.5	118.5	108.8	----	134.7
DC Georgetown U	13	I	1	1	1		178.9	114.2	103.3		125.3	1	1	1		214.6	139.8	126.2		151.7
DC Howard U	5,99	I	5	4	4	2	106.8	80.4	73.0	59.6	80.4	5	5	4	3	131.9	101.8	90.7	76.7	100.8
FL Florida Southern Coll	28	IIB	3	3	3	1	82.4	67.7	59.1	60.4	65.8	4	4	3	1	101.6	84.5	75.2	78.1	83.0
FL Florida Tech	30	I	4	4	4	4	107.7	84.1	71.5	47.4	83.1									
FL Jacksonville U	21	IIA	4	4	4	5	78.6	65.8	60.7	42.0	65.5	5	4	4	4	100.4	86.2	80.3	59.6	85.8
FL Miami-Dade Coll	5,175	III	2	2	2	1	84.2	68.7	60.5	54.4	68.4	3	4	3	3	101.5	83.6	74.5	67.6	83.4
FL New Coll Florida		IIB	2	2	3	-	88.2	69.3	58.2	----	73.6	2	3	3	-	114.0	91.8	78.1	----	96.7
FL U Miami	12,138	I	1	2	2	-	154.8	102.5	86.9	----	104.5	1	2	2	-	195.8	133.3	109.2	----	134.1
FL U So. Florida Sarasota-Manatee	31	I	3	3	4	3	120.0	89.7	71.8	53.0	67.2	4	4	5	4	140.1	111.2	88.6	68.6	84.4
FL U South Florida-St. Petersburg	31	I	3	4	5	2	123.9	82.2	61.5	60.6	80.7	4	5	5	3	147.7	103.0	76.5	76.7	99.4
GA Emory U		13 I	1	1	1		160.1	110.4	93.1		131.6	1	1	1		204.8	141.3	118.1		168.2
GA Mercer U	12,86	IIA	3	4	2	4	89.0	69.9	65.9	44.8	72.5	3	3	2	4	117.1	93.4	87.6	62.8	96.3
GA Young Harris Coll		IIB	4	5	4	5	73.1	51.6	54.6	40.5	53.7	4	5	3	4	91.3	69.8	72.8	58.8	72.0
HI Hawaii CC	37	III	2	1	1	1	86.8	77.2	62.7	57.1	67.4	1	1	1	1	119.8	107.8	89.7	82.7	95.6
HI Leeward CC	37	III	2	1	1	1	86.0	73.2	65.8	56.1	68.7	2	1	1	1	118.9	102.8	93.7	81.6	97.4
HI Maui Coll	37	III	2	1	1*	1	87.5	77.6	71.0	58.5	70.8	1	1*	1*	1*	120.7	108.3	100.0	84.4	99.8
HA Windward CC	37	III	1	2	1	1	87.5	70.9	64.6	55.1	70.7	1	1	1	1	120.7	100.9	92.0	80.4	99.8
ID Boise St U	27	IIA	4	4	3	3	85.3	69.9	62.3	49.6	66.7	4	3	3	2	113.1	94.5	85.5	70.1	90.7
IL Benedictine U	28,200	IIA	2	5	5	2	94.2	64.4	57.0	52.7	68.2	3	5	5	3	119.3	83.2	70.3	68.6	86.4
IL Chicago St U		IIA	3	3	1		87.8	72.2	71.1		66.6	4	4	1		108.9	92.0	92.9		84.8
IL Dominican U	31	IIA	4	3	3	-	86.0	70.1	61.6	----	69.0	4	3	4	-	113.0	94.8	80.2	----	90.9
IL Illinois St U	28	I	5	5	4		95.4	74.9	71.2		73.2	5	5	4		122.9	100.4	93.8		96.8
IL Illinois Tech		I					145.0	99.6	91.0	60.9	72.6					172.9	121.9	108.0	72.5	84.5
IL Illinois Wesleyan U		IIB	2	3	3	3	88.4	68.8	58.6	49.9	70.8	2	2	2	2	129.6	93.8	81.3	69.6	100.0
IL Kaskaskia Coll		III	3	1	1	5	83.2	74.4	67.3	36.6	71.9	2	1	1	5	114.7	106.5	91.4	51.0	99.3
IL Lake Forest Coll		IIB	2	2	3		94.8	73.5	58.7		74.3	2	2	3		123.6	96.7	78.9		97.8
IL Lewis U	28	IIA	2	1	2	1	99.1	82.0	66.6	58.7	78.8	1	1	2	1	133.4	109.3	92.7	82.3	107.3
IL Loyola U Chicago	13,44,97	I	2	2	3	1	139.7	93.7	78.1	68.6	94.7	2	3	3	2	178.6	119.9	99.8	88.2	121.3
IL North Central Coll		IIA	2	2	3	1	94.2	76.1	62.5	58.7	76.5	2	2	4	2	125.2	99.8	77.3	69.8	99.0

Corrections to the 2014-15 Annual Report on the Economic Status of the Profession

(6) BEN. as % of SAL.	(7) PCT. TENURED				(8) PCT. INCR. (CONT. FAC.)				(9) F-T FAC. MEN				(9) F-T FAC. WOMEN				(10) AVG. SAL. MEN				(10) AVG. SAL. WOMEN			
	PR	AO	AI	IN	PR	AO	AI	IN	PR	AO	AI	IN	PR	AO	AI	IN	PR	AO	AI	IN	PR	AO	AI	IN
27.1	100	92	11	0					38	35	25	5	19	28	32	7	89.7	70.8	52.5	39.4	86.7	63.2	55.6	38.8
27.2	100	97	13	0	6.4	9.2	5.7	9.1	24	24	24	2	19	15	29	7	80.1	73.7	60.1	----	76.0	63.7	54.8	----
30.7	100	83	0	--	2.1	3.6	3.3	2.5	4	16	35	1	1	13	33	0	----	81.9	65.4	----	----	73.1	66.8	----
34.8	93	88	0	0	4.3	3.1	4.8	2.6	23	25	22	10	4	16	16	22	122.3	89.6	81.8	38.6	120.2	82.0	72.0	38.6
	91	37	0	0		3.7	4.4	2.8	57	79	28	4	11	38	28	8	99.9	83.0	69.2	60.4	100.4	79.1	66.3	60.7
36.1	100	88	0	0					212	121	80	0	64	74	62	0	96.3	79.7	73.2		92.8	74.1	66.5	
29.1	92	70	0	0	1.8	2.4	4.1	1.3	91	76	67	13	33	50	63	20	155.6	97.7	86.4	82.6	129.0	91.4	80.6	68.5
34.5	94	83	5	0	0.9	1.6	1.3	2.2	14	20	18	2	2	10	26	4	----	65.1	57.8	----	----	63.3	59.5	----
31.9	98	83	0	0	3.0	3.8	5.3		39	9	5	0	11	15	9	0	145.5	98.4	86.9		130.5	101.9	83.8	
37.3	98	98	2	0					73	27	19	0	40	22	27	0	89.7	70.7	65.6		88.0	69.3	66.4	
41.2	100	65	0	0	8.3	4.3	2.2		43	39	17	0	33	47	33	0	112.5	91.1	73.4		109.8	88.4	76.0	
34.7	99	97	0	0					226	126	51	0	106	103	59	0	100.8	82.1	79.7		96.5	79.9	74.9	
34.5	98	97	6	0					194	78	47	0	114	97	60	0	97.8	79.8	73.2		93.8	77.6	74.8	
35.7	100	98	4	0					66	28	13	0	62	26	13	0	90.4	69.4	67.2		85.3	72.0	65.0	
28.6	100	100	0	0	3.3	4.4	5.3	6.6	26	23	19	7	20	29	19	15	90.8	67.0	59.5	55.6	82.0	64.9	58.6	47.6
60.4	99	96	6	--	5.2	6.5	5.8	5.0	51	29	28	1	45	21	25	0	100.4	82.9	66.4	----	98.1	76.5	63.7	----
37.1	99	98	7	0	1.9	2.3	3.9	2.1	39	50	23	3	33	53	49	13	124.9	95.3	80.3	67.7	117.5	91.0	74.4	67.7
29.6	97.4	67.1	5.1	0	-0.7	1.0	0.8	0.0	68	35	66	3	46	50	91	10	135.2	104.3	87.5	54.8	124.4	96.7	79.9	56.4
29.3	91	76	0	0	1.9	2.5	2.8	2.0	8	15	16	2	15	18	48	4	94.0	77.2	67.2	----	89.2	76.9	68.7	----
27.7	100	98	0	0	4.7	6.2	4.7		89	27	30	0	35	35	41	0	143.8	99.6	82.5		135.7	96.2	81.6	
49.2	99	75	13	--	9.6	4.0	5.2		54	30	18	0	44	31	37	1	106.0	84.3	71.9	----	103.9	84.4	70.2	----
21.1	95	90	2	0	1.5	4.5	4.9		221	131	58	0	102	123	79	0	183.0	117.0	111.3		169.8	111.2	97.5	
25.3	76	80	13	2	4.5	4.7	4.3	4.9	141	135	78	23	57	100	82	39	109.0	80.8	72.4	59.9	101.5	79.9	73.6	59.4
26.1	58	25	0	0	4.4	2.5	3.8	7.8	18	13	22	8	8	7	29	16	81.1	68.6	61.1	61.5	85.2	66.0	57.6	59.8
	0	0	0	0	3.7	3.4	4.1	3.1	70	81	60	13	9	12	35	13	109.6	84.6	74.7	51.3	92.7	80.9	65.9	43.4
30.9	100	82	6	0	0.1	0.3	0.5	0.0	24	33	27	2	17	24	38	8	84.1	68.9	60.6	----	70.8	61.6	60.7	----
22.0	100	100	77	12	3.3	3.9	3.9	3.1	84	129	80	45	82	155	92	52	84.3	68.9	60.1	54.5	84.0	68.5	60.9	54.3
31.4	100	100	0	--	0.8	0.0	1.6	0.0	18	8	9	0	11	16	10	1	92.0	71.2	56.4	----	81.9	68.4	59.9	----
28.3	95	86	0	--	3.4	3.6	3.5		272	146	107	0	67	108	93	1	155.9	106.5	88.5	----	150.4	97.1	85.0	----
25.6	100	100	6	0	2.7	3.6	4.8	6.0	2	6	6	18	1	8	11	21	----	114.7	88.9	52.7	----	70.9	62.5	53.2
23.2	100	97	0	0	3.9	8.0	2.0	7.4	22	17	13	14	6	21	21	15	124.7	90.6	59.6	60.4	121.0	75.5	62.7	60.9
27.8	94	90	0	0	2.8	3.3	4.2		241	123	73	0	97	93	58	0	166.0	116.6	98.8		145.6	102.2	85.9	
32.9	97	73	2	0	1.9	2.5	3.8	2.7	75	77	51	10	36	70	72	14	90.7	70.5	63.3	45.2	85.4	69.3	67.8	44.5
33.9	100	88	0	0	0.0	0.0	12.2	0.0	4	9	24	5	4	7	19	7	72.1	45.4	57.2	41.6	74.1	59.5	51.3	39.8
41.8	100	100	91	3	3.0	4.1	3.4	4.0	7	7	6	19	12	7	16	20	85.6	75.4	66.0	57.0	87.4	79.0	61.5	57.3
41.7	100	100	98	0	3.0	3.6	4.8	4.9	22	9	28	19	20	12	18	35	86.7	73.9	66.9	56.9	85.3	72.6	64.0	55.6
41.0	100	100	83	0	3.0	5.0	3.3	4.3	6	3	15	15	10	9	21	14	84.6	79.2	67.0	57.8	89.2	77.1	73.8	59.3
41.2	100	100	89	0	3.0	3.0	6.4	4.6	10	4	6	7	7	1	3	8	89.5	----	66.2	57.3	84.6	----	61.2	53.3
36.0	100	96	7	0	7.1	4.1	3.5	3.6	101	111	79	4	56	87	70	2	87.0	73.0	66.3	----	82.4	65.8	57.9	----
26.6	93	82	0	0	2.7	2.9	3.2	3.2	26	22	21	5	15	23	35	9	96.9	63.1	58.8	54.3	89.6	65.6	55.9	51.9
26.1	88	38	7	0	1.4	0.4	5.4		37	36	22	0	12	42	37	0	88.8	75.5	73.5		84.6	69.4	69.7	
31.8	98	50	14	--	2.6	2.8	3.1		25	11	23	1	17	35	28	1	89.7	76.4	61.7	----	80.6	68.1	61.5	----
32.2	100	97	2	0	2.0	3.0	2.6		159	128	95	0	84	125	117	0	98.2	78.3	71.2		90.0	71.4	71.2	
19.7	85.7	66.7	0.7	0	3.8	6.2	3.9	3.8	129	76	98	4	25	26	50	5	145.4	97.0	90.9	67.7	143.3	107.3	91.3	55.4
41.3	100	100	5	0	0.4	2.4	0.9	6.5	34	27	22	3	16	17	33	3	90.3	70.0	60.5	46.5	84.6	67.0	57.3	53.2
38.1	100	100	53	50	5.5	5.9	4.8	1.4	15	5	14	3	13	8	16	3	82.7	83.6	69.9	41.4	83.8	68.7	64.9	31.8
31.7	100	91	0	0	2.9	3.8	2.9		24	14	17	0	5	20	16	0	94.1	73.3	58.4		98.3	73.6	59.1	
36.2	97	64	3	0	2.6	5.0	4.1	4.4	37	23	39	4	25	24	51	12	100.3	82.8	65.8	60.8	97.5	81.2	67.2	58.0
28.0	100	98	4	0	7.4	4.9	3.2	3.0	133	96	54	102	61	92	56	155	144.6	95.6	80.4	64.1	129.1	91.8	75.9	71.6
29.3	94	94	0	0	3.1	2.8	2.6	3.0	29	20	15	0	18	16	38	4	95.7	76.6	65.3		91.8	75.4	61.4	58.7

APPENDIX I

ST. NAME	NOTES	CAT.	(1)				(2)					(3)					(4)				(5)				
			AVG. SAL. RTG.				AVG. SALARY (\$1000s)					AVG. COMP. RTG.				AVG. COMPENSATION (\$1000s)									
			PR	AO	AI	IN	PR	AO	AI	IN	AR	PR	AO	AI	IN	PR	AO	AI	IN	AR					
IL Sauk Valley CC	25	III	4	4	5	4	63.1	56.9	48.6	45.1	53.6	5	5	5	4	74.8	71.2	61.1	64.4	66.7					
IL Southern Ill U-Edwardsville	20	IIA	3	2	2	5	93.7	79.0	65.4	43.4	71.2	3	2	2	3	121.8	104.5	89.4	64.9	96.1					
IL U Saint Francis	75	IIA	3	3	3	2	90.6	72.6	63.2	54.7	71.2	3	3	3	3	120.0	92.8	81.3	69.6	91.9					
IN IU-PU-Fort Wayne	27	IIA	4	3	3	3	87.6	71.0	61.5	51.7	67.7	3	3	3	3	115.4	96.3	84.5	68.3	91.7					
IN Ivy Tech CC of Indiana	5,104	III	5	5	5	4	60.6	51.0	46.6	42.7	47.7	4	4	5	4	85.4	73.5	67.0	59.5	68.1					
IN Wabash Coll		IIB	1	2	2	-	101.4	77.4	64.1	----	78.5	1	2	2	-	131.7	102.6	83.5	----	103.0					
IA Allen Coll	25,36	IIA	5	4	4	3	77.2	65.6	58.4	51.8	64.4	5	5	5	4	96.0	84.0	73.3	64.6	81.0					
IA Clarke U	28,56	IIB	4	4	4	2	69.4	57.0	52.5	50.0	55.9														
IA Coe Coll		IIB	3	4	3		84.7	63.7	56.2		67.5	3	3	3		111.2	86.0	72.8		88.9					
IA Luther Coll		IIB	3	3	3	3	82.4	68.8	57.6	49.4	69.6	3	2	3	2	112.1	93.1	78.9	71.1	94.8					
KS Kansas St U	30,199	I	4	5	4	5	111.9	79.7	69.0	45.9	78.3	5	5	5	5	138.9	101.3	88.6	60.7	99.4					
KS Southwestern Coll		IIB	5	5	5		62.0	55.5	49.6		55.1	5	5	5		75.2	67.2	60.3		66.8					
KS U Kansas-Main	15	I	3	4	3		125.4	83.5	74.7		92.6	3	4	4		155.0	106.6	95.2		116.7					
KY Eastern Kentucky U		IIA	5	5	5	1	76.9	61.9	56.9	62.9	62.6	5	5	5	3	88.2	71.2	64.6	69.4	71.7					
LA Loyola U New Orleans	13	IIA	1	2	3	-	107.9	77.6	64.7	----	78.5	2	3	3	-	131.6	98.2	85.1	----	98.9					
LA Southeastern Louisiana U	28	IIA	4	4	4	5	78.8	65.2	58.9	44.1	57.8	4	4	3	4	108.4	90.6	80.8	63.5	82.5					
MD Cecil Coll		III	3	3	4	-	72.7	63.8	51.5	----	62.8	4	4	4	-	93.9	83.5	69.7	----	82.8					
MD Howard CC		III	2	2	1	1	85.8	68.2	62.3	55.5	69.5	2	3	2	2	112.2	90.4	82.2	76.8	91.9					
MD Loyola U Maryland	31,136	IIA	1*	1	1	2	123.3	84.7	76.5	56.5	90.1	1	2	1	2	150.4	105.3	94.5	69.7	111.0					
MD McDaniel Coll		IIB	3	3	4	-	85.4	68.5	54.3	----	70.7	2	3	4	-	114.2	88.5	68.3	----	92.2					
MD Notre Dame Maryland U	25	IIB	2	3	1	-	89.0	68.8	67.2	----	72.1	2	3	2	-	113.8	87.9	85.0	----	91.7					
MD St. Mary's Coll Maryland		IIB	2	2	2		94.0	71.8	61.4		77.1	2	3	2		117.8	91.5	79.6		98.0					
MD Towson U	28,231	IIA	2	2	2	2	94.7	77.1	69.2	58.5	71.3	2	2	2	2	126.9	103.3	92.6	78.2	95.4					
MD U Maryland-Eastern Shore		IIA	3	2	2	-	87.8	77.7	68.2	----	71.2	3	2	1	-	119.6	106.8	95.2	----	98.8					
MA Amherst Coll		IIB	1*	1*	1*		145.1	104.7	83.7		107.0	1*	1*	1*		187.9	139.4	111.0		140.4					
MA Assumption Coll	31	IIB	2	2	2	2	94.5	78.1	62.6	53.6	74.0	2	2	2	3	126.8	102.0	81.7	62.2	96.9					
MA Gordon Coll		IIB	3	2	4	-	83.5	70.2	54.6	----	72.8	2	2	4	-	113.7	95.2	69.2	----	98.0					
MA Lasell Coll	31	IIB	2	2	2	2	88.0	74.9	63.4	52.4	69.6	3	3	2	5	108.4	86.6	79.2	52.4	83.9					
MA Lesley U	32	IIA	4	3	4	3	87.2	71.4	59.5	52.0	70.7	4	3	3	2	112.8	97.1	85.2	77.7	96.3					
MA U Massachusetts-Lowell	27	I	2	1	2		134.6	104.0	85.8		101.6	3	2	2		170.5	131.8	108.7		128.7					
MA Springfield Coll	32,107	IIA	4	3	4	3	87.5	74.9	58.8	48.9	73.1	4	4	5	5	105.8	91.2	69.4	57.7	88.0					
MA Westfield State U	25,68	IIA	3	3	3	2	92.9	71.6	64.6	55.9	77.0	3	4	3	2	119.0	91.9	83.5	72.0	99.0					
MI Kalamazoo Coll		IIB	2	2	3	1	93.4	73.3	59.2	57.5	75.2	2	2	3	1	121.3	94.8	73.2	79.2	96.7					
MI Northern Michigan U	28	IIA	4	3	4	3	87.5	71.2	59.9	48.9	69.7	2	2	2	2	123.5	103.1	88.7	75.1	101.0					
MI Wayne St U	12	I	3	3	3	1	124.4	92.0	78.3	71.8	91.1	4	3	3	1	154.9	118.4	99.8	90.3	115.4					
MN Minnesota St U-Mankato		IIA	4	3	3	4	87.4	72.8	63.2	45.8	73.3														
MS Delta St U		IIA	5	5	5	4	65.6	56.6	53.8	47.5	54.8	5	5	5	5	81.3	70.3	66.2	58.6	67.7					
MS Mississippi Coll	13	IIA	4	3	4	2	80.1	72.7	60.1	53.9	67.3	5	4	5	4	95.5	86.8	72.6	64.6	80.6					
MS Mississippi St U	193	I	5	5	4	5	103.8	77.4	68.7	44.4	73.5	5	5	5	5	120.6	87.6	76.2	52.8	84.0					
MO Mineral Area Coll	165	III	5	5	4	3	57.3	54.5	51.5	45.5	49.0	5	5	4	4	74.8	71.9	68.6	60.7	65.1					
MO Missouri Southern St U		IIB	4	4	5	4	76.2	59.9	48.3	44.7	60.1	4	4	5	4	101.6	78.8	62.4	58.1	79.0					
MO St. Louis CC	159	III	3	3	2	1	78.3	66.6	60.8	54.4	67.4	3	3	3	2	103.0	89.1	79.7	72.1	89.1					
MO Truman St U		IIA	5	5	5	5	73.4	60.1	53.1	42.5	64.1	5	5	5	5	99.1	78.9	68.9	58.6	85.8					
MN Montana St U-Bozeman	27	I	5	5	5	3	97.7	73.5	67.8	52.1	78.2	5	5	5	4	120.2	92.8	86.4	68.4	98.2					
NE U Nebraska-Kearney	31	IIA	4	5	5		81.0	64.5	55.3		63.0														
NE U Nebraska-Omaha	31	IIA	3	2	3	5	88.0	78.1	64.4	44.0	71.9	4	3	3	4	110.0	98.6	82.5	59.3	91.4					
NE Wayne St Coll		IIA	5	5	5	5	77.4	64.3	51.2	43.1	64.3	4	5	5	5	100.6	84.6	69.7	57.4	84.6					
NV U Nevada-Las Vegas	5	I	3	3	4		123.8	89.5	70.9		92.8	4	4	4		150.7	111.5	89.8		115.0					
NH Keene St Coll		IIA	2	2	3	2	94.7	76.5	63.7	53.4	79.1	2	1	2	2	129.0	108.7	91.3	71.0	110.1					
NH Plymouth St U	31	IIA	3	2	3	-	88.4	75.1	62.6	----	75.4	3	2	2	-	120.3	107.1	86.7	----	104.3					
NH U New Hampshire	27,146	I	3	2	2		126.0	97.0	84.0		105.6	3	1	2		167.3	138.1	112.2		144.2					

Corrections to the 2014–15 Annual Report on the Economic Status of the Profession

(6) BEN. as % of SAL.	(7) PCT. TENURED				(8) PCT. INCR. (CONT. FAC.)				(9) F-T FAC. MEN F-T FAC. WOMEN								(10) AVG. SAL. MEN AVG. SAL. WOMEN							
	PR	AO	AI	IN	PR	AO	AI	IN	PR	AO	AI	IN	PR	AO	AI	IN	PR	AO	AI	IN				
24.5	91	89	55	67	10.7	24.8	32.7	2.2	8	5	6	1	3	4	16	2	63.6	64.0	53.8	----	61.8	48.0	46.7	----
34.9	99	92	1	0	0.2	1.3	1.5	2.3	86	110	77	42	42	92	92	81	96.2	81.2	67.2	43.7	88.6	76.4	63.8	43.2
29.0	70	85	5	0	2.8	7.6	2.8	2.5	14	9	9	2	13	11	35	5	94.7	76.3	59.1	----	86.3	69.7	64.3	----
33.2	99	99	1	10	0.8	0.7	-0.7	2.7	58	81	31	7	15	54	45	14	89.8	70.9	61.9	48.1	79.1	71.1	61.3	53.5
42.7	0	0	0	0					46	111	251	119	50	214	384	158	59.2	51.2	46.1	42.1	61.9	50.9	47.0	43.2
31.1	100	100	0	--	1.8	2.6	7.0		18	27	8	1	3	8	19	1	101.5	77.5	62.8	----	100.9	76.9	64.6	----
25.9	0	0	0	0	2.5	3.5	4.8	2.5	0	1	0	0	8	10	9	5	----	----	----	----	77.2	----	58.4	51.8
	92	88	3	0	2.0	2.0	2.0	2.0	6	8	12	3	7	18	23	12	73.7	56.4	53.1	50.4	65.8	57.2	52.2	49.9
31.6	100	100	10	0	2.6	2.6	2.6		23	16	14	0	10	10	17	0	85.3	64.5	57.8		83.5	62.3	55.0	
36.1	100	93	2	0	2.5	3.5	3.5	2.4	34	39	19	2	24	29	28	4	82.5	69.7	57.8	----	82.4	67.7	57.4	----
27.0	99	95	1	0	6.5	7.5	6.7	5.6	230	168	147	92	56	118	133	137	113.4	82.1	70.3	49.7	105.4	76.3	67.6	43.3
21.2	100	92	7	0					8	5	7	0	3	8	8	0	63.1	57.9	49.2		59.3	54.1	50.0	
25.9	97	95	0	0	2.9	3.0	2.0		308	243	120	0	99	162	96	0	127.5	85.7	77.9		118.7	80.1	70.7	
14.5	99	82	23	0	1.5	1.0	0.5	0.7	101	104	77	12	70	114	107	18	79.8	61.4	55.6	75.2	72.8	62.3	57.7	54.7
26.0	99	75	0	--	0.0	0.2	0.3		57	34	34	0	26	30	22	1	109.1	77.9	65.9	----	105.5	77.3	62.9	----
30.2	100	100	14	0	0.0	0.1	1.0	0.1	71	55	17	73	31	50	32	145	80.4	67.9	62.5	42.5	75.1	62.3	56.9	44.9
31.9	5	9	6	--	3.7	5.4	4.9	2.8	6	3	10	1	16	8	7	1	74.6	60.3	51.9	----	71.9	65.1	50.8	----
32.3	0	0	0	0	2.5	6.1	5.5	3.6	18	20	17	6	32	37	41	18	85.7	68.5	63.9	54.3	85.9	68.1	61.7	55.9
22.9	99	100	5	0	0.4	2.2	2.8	5.8	60	51	49	4	24	46	60	19	124.4	90.6	78.3	48.4	120.7	78.3	74.9	58.3
30.3	100	98	0	--	1.8	2.6	1.3	0.0	18	21	10	0	19	23	16	1	90.1	68.9	54.9	----	81.0	68.0	54.0	----
27.1	64	39	0	--	5.3	4.9	4.4	4.0	12	8	13	0	16	23	55	1	82.6	74.4	71.3	----	93.9	66.9	66.3	----
26.8	100	100	0	0	5.0	2.6	4.7		28	27	13	0	20	26	18	0	98.9	74.8	60.9		87.0	68.6	61.7	
33.9	99	72	3	0	7.7	9.4	10.4	10.3	124	95	99	4	80	116	137	19	97.4	79.9	70.3	62.3	90.5	74.8	68.5	57.7
38.8	97	84	10	--	9.0	7.1	6.9	8.2	26	42	37	1	10	25	31	0	91.6	78.9	70.6	----	77.9	75.7	65.4	----
31.3	100	93	0	0	4.0	6.4	5.1		50	15	22	0	29	15	27	0	149.4	102.2	84.6		137.6	107.3	83.0	
30.9	100	100	26	0	3.5	5.9	5.9	2.5	15	37	29	2	9	23	25	4	94.7	80.1	62.0	----	94.2	74.8	63.3	----
34.6	93	53	0	--	5.8	4.0	-1.4	0.0	36	15	10	0	9	15	9	2	84.6	67.6	54.6	----	79.2	72.8	54.6	----
18.8	0	0	0	0	3.7	2.2	2.7	3.3	2	15	10	2	5	19	24	4	----	75.1	64.3	----	----	74.8	63.1	----
36.3	2	0	0	0	2.9	3.8	4.4	4.6	14	16	22	1	27	35	34	4	88.4	76.4	59.1	----	86.5	69.1	59.9	----
26.7	99	89	0	0	2.1	2.4	2.7		126	88	45	0	43	68	46	0	135.8	105.1	87.1		131.2	102.6	84.5	
20.4	99	69	6	0	2.0	2.2	3.0	2.0	42	31	22	3	31	34	40	9	87.6	79.2	59.7	45.7	87.5	71.1	58.3	50.0
28.5	98	87	9	0	2.5	3.8	2.6	4.2	51	25	37	4	38	36	33	6	95.2	72.3	63.4	51.8	89.7	71.1	65.9	58.6
28.6	100	100	0	0	3.0	3.6	4.2	3.0	23	12	13	1	13	17	18	5	95.1	77.5	57.9	----	90.6	70.4	60.1	----
44.9	99	84	2	0	2.6	4.9	5.2	3.4	61	41	47	12	36	28	40	19	89.8	72.6	62.2	53.2	83.5	69.3	57.1	46.1
26.8	97	88	2	0	2.6	3.2	3.9	2.5	214	175	124	3	58	127	162	28	126.1	95.3	80.2	91.5	117.9	87.5	76.8	69.7
	100	94	5	0					106	63	66	13	51	66	83	10	89.3	75.3	64.6	46.3	83.4	70.4	62.0	45.1
23.5	97	96	4	0	1.1	0.1	0.7	3.9	20	16	36	20	12	31	35	30	66.9	51.2	53.8	45.5	63.3	59.4	53.8	48.9
19.8	78	67	0	0	3.8	7.6	6.9	5.3	47	24	26	14	18	15	42	28	78.1	75.8	60.5	53.0	85.2	67.7	59.9	54.4
14.3	100	94	1	0	5.0	3.6	4.1	3.0	185	160	155	50	47	73	120	96	105.2	80.3	71.9	47.0	98.0	71.2	64.5	43.0
32.7	0	0	0	0	2.7	2.8	2.7	2.9	5	8	2	18	5	2	7	27	59.5	----	----	45.5	55.1	----	----	45.4
31.5	100	81	12	7	1.0	3.2	3.0	6.3	40	30	23	8	28	13	51	6	79.5	60.7	49.2	45.5	71.6	57.9	47.9	43.6
31.8	0	0	0	0	3.0	4.2	4.1	4.3	65	52	51	20	83	56	75	33	78.6	66.9	61.3	54.3	78.0	66.2	60.5	54.4
33.7	100	96	3	0	2.0	2.8	4.8	4.2	116	29	33	10	59	16	35	22	75.1	57.3	52.6	39.9	70.2	65.3	53.4	43.7
25.5	99	98	1	0	5.5	5.9	4.4	5.0	103	74	66	9	29	57	68	12	98.6	75.0	69.2	55.5	94.4	71.6	66.5	49.5
	99	82	4	0	1.6	3.0	3.4		61	42	55	0	36	31	47	0	82.3	65.3	55.6		78.6	63.5	54.9	
27.1	100	98	2	0	2.0	2.1	2.8	4.0	101	91	54	28	49	73	67	30	90.6	80.3	66.6	45.7	82.7	75.4	62.5	42.4
31.6	100	86	19	0	2.0	3.2	4.1	2.0	35	15	10	3	25	7	16	5	76.7	67.2	53.0	47.0	78.4	58.0	50.1	40.8
24.0	98	80	2	0	3.5	3.9	4.3		224	178	122	0	71	107	129	0	124.6	90.2	74.4		121.3	88.3	67.6	
39.2	100	89	6	0	0.0	0.8	2.6	10.8	52	33	22	0	36	33	30	6	95.8	77.0	63.8		93.3	76.0	63.6	53.4
38.2	100	91	2	--	3.8	3.9	5.0		46	23	16	1	33	24	28	0	89.1	77.2	64.0	----	87.6	73.0	61.9	----
36.5	100	99	0	0	3.2	3.8	4.9		161	117	49	0	49	108	60	0	129.0	101.4	84.3		116.2	92.3	83.7	

APPENDIX I

ST. NAME	NOTES	(1)				(2)					(3)					(4)				(5)					
		CAT.	PR	AO	AI	IN	AVG. SAL. RTG.					AVG. SALARY (\$1000s)					AVG. COMP. RTG.				AVG. COMPENSATION (\$1000s)				
							PR	AO	AI	IN	AR	PR	AO	AI	IN	AR	PR	AO	AI	IN	AR				
NJ Coll New Jersey	26	IIA	1	1*	1	1*	118.2	96.9	78.7	71.1	96.9	1*	1*	1*	1*	178.2	146.1	118.6	107.0	146.1					
NJ Drew U		IIA	2	3	4	2	97.0	73.8	60.2	53.1	79.3	2	3	4	2	123.0	98.0	78.0	72.1	102.5					
NJ Montclair St U	31	IIA	1*	1*	1	3	124.6	98.7	76.7	50.0	96.8	1	1*	1	4	153.0	126.9	99.7	64.4	123.0					
NJ Richard Stockton Coll NJ	28	IIA	1*	1	1	1	124.9	93.6	72.8	64.1	94.5	1*	1*	1	1	179.4	135.7	105.6	94.5	136.6					
NJ Rider U	31,43,184	IIA	1	1*	1*	-	118.9	103.9	80.8	----	104.9	1	1*	1	-	153.2	139.0	106.3	----	137.6					
NJ Rutgers U-Camden		IIA					144.6	95.6	84.3	55.9	104.7					188.7	133.9	121.3	89.4	144.0					
NJ Rutgers U-Newark		I					167.0	122.2	101.2	67.8	126.8					213.6	163.5	140.1	102.8	168.7					
NJ Rutgers U-New Brunswick		I					154.5	102.3	80.7	57.3	111.4					199.6	141.2	117.0	90.8	151.4					
NJ Saint Peter's U	25,151	IIA	2	2	2		98.4	75.1	65.5		77.9	3	4	4		121.2	91.9	75.3		94.4					
NJ William Paterson U	28	IIA	1*	1*	1*	1	127.8	97.5	80.5	65.6	104.8	1*	1*	1	2	160.8	126.9	100.3	79.1	132.9					
NM New Mexico St U-Carlsbad		III	4	4	4	2	64.0	58.3	52.6	48.3	55.4	5	5	4	4	79.6	73.2	67.4	61.5	70.1					
NM U New Mexico-Valencia	28	III	4	5	5		64.7	46.1	47.0		49.1	5	5	5		83.1	59.8	60.9		63.4					
NY Adelphi U	28	I	3	2	2		132.4	103.6	84.3		104.6	3	2	3		168.9	131.4	107.7		133.3					
NY Alfred St Coll		III	3	3	3	4	79.9	63.7	55.6	42.6	59.4	3	3	3	4	109.3	88.9	79.4	63.4	83.6					
NY CUNY-Bernard Baruch Coll		IIA	2	1	1	-	98.5	81.9	78.0	----	85.2	2	1	1*	-	130.1	113.5	109.6	----	116.8					
NY CUNY-Borough Manhattan CC		III	2	2	3	5	86.2	70.1	56.3	41.6	63.3	2	2	2	2	116.5	100.4	86.5	71.8	93.6					
NY CUNY-Bronx CC		III	3	3	4	4	83.7	67.7	52.7	43.6	62.6	2	2	2	2	113.9	97.9	82.9	73.8	92.8					
NY CUNY-Brooklyn Coll		IIA	3	3	3	4	91.6	72.5	61.0	44.3	74.2	3	2	2	2	122.6	103.5	92.1	75.3	105.2					
NY CUNY-City Coll		IIA	2	2	3	-	100.2	76.4	63.8	----	80.7	2	1	1	-	131.6	107.7	95.1	----	112.0					
NY CUNY-Coll Staten Island		IIA	3	3	4		88.7	72.4	59.5		70.9	3	2	2		119.5	103.2	90.4		101.7					
NY CUNY-Graduate Ctr		I	4	4	5		113.4	80.8	52.2		100.2	4	4	5		145.4	112.8	84.2		132.3					
NY CUNY-Guttman CC		III	3	1	2	3	73.6	74.0	60.9	48.1	60.0	3	1	1	1	103.6	103.9	90.9	78.1	90.0					
NY CUNY-Hostos CC		III	2	3	2	-	85.9	67.6	57.4	----	63.4	2	2	1	-	116.2	97.8	87.7	----	93.7					
NY CUNY-Hunter Coll		IIA	3	3	4	2	92.8	74.0	60.8	53.4	77.3	2	2	2	1	124.0	105.3	92.0	84.6	108.5					
NY CUNY-John Jay Coll		IIA	3	3	3	2	92.9	72.3	61.2	53.4	72.3	2	2	2	1	123.8	103.2	92.1	84.3	103.2					
NY CUNY-Kingsborough CC		III	3	2	3	3	83.2	69.4	57.1	47.9	61.8	2	2	2	1	113.3	99.5	87.2	78.0	92.0					
NY CUNY-La Guardia CC		III	2	3	3	3	85.6	66.8	54.7	47.9	64.4	2	2	2	1	116.0	97.2	85.1	78.3	94.8					
NY CUNY-Law School Queens Coll		IIA	1	1*		1	117.0	95.6		67.1	101.3	1	1*		1*	149.3	127.9		99.4	133.7					
NY CUNY-Lehman Coll		IIA	3	3	3	-	92.9	72.7	61.9	----	71.6	2	2	2	-	123.7	103.6	92.7	----	102.5					
NY CUNY-Medgar Evers Coll		IIB	2	2	2	3	91.5	71.0	61.0	48.4	70.9	2	2	1	1	122.3	101.8	91.8	79.2	101.7					
NY CUNY-New York City Coll Tech		IIB	2	2	2	-	88.7	70.6	59.4	----	66.1	2	2	1	-	119.2	101.1	89.8	----	96.6					
NY CUNY-Queens Coll		IIA	3	3	4	3	88.8	70.3	57.9	50.4	64.4	3	2	2	1	119.1	100.6	88.2	80.8	94.7					
NY CUNY-Queensborough CC		III	1	2	2	2	88.8	70.3	57.9	50.4	64.4	1	1	1	1	119.1	100.6	88.2	80.8	94.7					
NY CUNY-York Coll		IIB	3	2	2		85.1	72.2	59.6		68.4	2	2	1		115.8	102.8	90.3		99.0					
NY Cooper Union		IIB	1	1	1*		118.3	94.7	80.5		108.6	1	1*	1*		172.5	143.6	126.8		160.6					
NY Corning CC		III	4	4	5	4	69.8	59.2	48.3	43.8	57.6	4	4	5	4	97.5	83.1	64.5	62.8	80.1					
NY Finger Lakes CC		III	4	4	4	4	70.8	59.8	51.4	44.8	58.9	4	4	4	4	98.0	82.8	72.5	65.7	82.5					
NY Hobart & William Smith Coll		IIB	1	1	1	2	114.3	83.8	67.3	55.0	84.3	1	1	2	2	147.4	108.7	87.4	69.2	109.2					
NY Ithaca Coll		IIA	2	2	2	2	100.5	79.3	65.8	58.1	77.1	2	2	3	2	128.8	103.9	86.6	76.6	100.7					
NY Keuka Coll		IIA	4	4	4	4	79.8	67.7	58.9	45.0	66.0	5	4	5	4	99.8	85.6	74.0	60.3	83.1					
NY Le Moyne Coll		IIA	2	2	4	1	100.9	75.9	59.1	61.6	80.3	2	3	4	2	126.9	98.1	78.7	78.1	103.0					
NY Long Island U	28,110	IIA	1	1	1*	1	113.7	91.3	80.2	66.8	95.0	1	1	1*	1	151.9	124.9	107.0	85.4	127.9					
NY Medaille Coll	118	IIA	5	5	5	5	77.3	58.9	42.7	33.7	52.3	5	5	5	5	94.9	73.2	53.8	40.7	64.9					
NY Niagara Co CC		III	1	1	1	2	91.1	74.6	63.7	49.9	79.2	1*	1*	1	2	133.1	109.6	96.4	75.8	116.6					
NY SUNY Coll Tech-Delhi		III	3	3	3	3	74.8	62.5	53.2	45.1	57.6	3	3	3	3	103.1	87.9	74.7	66.1	81.1					
NY SUNY Coll Tech-Morrisville		III	3	3	3	3	74.8	66.6	54.4	46.0	58.7	3	3	3	4	100.8	91.3	77.0	62.2	81.8					
NY SUNY-Albany	31	I	3	3	4		125.3	91.1	74.0		92.5	3	3	3		162.2	121.5	98.6		122.0					
NY SUNY Coll-Oswego		IIA	3	3	4	5	87.7	72.8	58.2	42.6	68.7	3	3	4	5	118.1	98.5	79.0	56.2	92.9					
NY SUNY-Maritime Coll		IIA	3	2	2	5	91.2	78.2	65.2	35.9	69.4	3	1	2	5	122.3	107.2	88.7	54.7	94.4					
NY Saint Joseph's Coll	116	IIB	1	2	1	-	106.6	77.2	67.3	----	78.5	1	2	2	-	138.3	98.7	87.2	----	101.3					
NY Wagner Coll	28	IIA	3	4	2		87.7	68.6	67.0		73.6	4	4	2		112.5	89.8	86.7		95.0					

Corrections to the 2014–15 Annual Report on the Economic Status of the Profession

(6) BEN. as % of SAL.	(7) PCT. TENURED				(8) PCT. INCR. (CONT. FAC.)				(9) F-T FAC. MEN F-T FAC. WOMEN								(10) AVG. SAL. MEN AVG. SAL. WOMEN							
	PR	AO	AI	IN	PR	AO	AI	IN	PR	AO	AI	IN	PR	AO	AI	IN	PR	AO	AI	IN				
50.7	100	95	35	0	1.2	4.8	4.9	9.0	55	69	48	2	41	81	56	4	120.2	98.6	77.5	----	115.5	95.5	79.8	----
29.3	98	94	0	0	0.0	1.8	0.6	0.0	28	29	14	1	30	18	22	2	98.0	73.2	60.3	----	96.0	74.7	60.2	----
27.0	98	90	21	0	2.9	4.2	5.7	27.1	101	125	69	2	74	118	69	8	125.0	99.8	77.9	----	124.1	97.7	75.4	----
44.6	100	96	16	0	2.4	4.4	6.0	9.9	42	65	38	2	27	77	48	2	125.5	93.5	72.7	----	123.9	93.7	72.9	----
31.3	97	100	0	--	2.1	0.1	6.6		56	53	22	0	41	45	29	1	119.9	105.5	83.3	----	117.4	102.0	78.9	----
37.6	88	86	0	0					69	40	43	13	33	29	52	18	148.7	97.3	81.9	50.7	136.1	93.2	86.4	59.6
33.0	92	86	0	0					135	75	89	34	184	116	134	50	171.4	122.9	101.9	77.5	154.8	120.8	99.8	47.1
35.9	94	76	0	0													157.8	104.3	84.2	57.8	145.4	100.3	78.5	57.0
21.2	100	95	23	0	6.8	6.0	4.9	4.4	19	18	17	0	14	20	9	0	99.7	77.2	65.0		96.6	73.2	66.5	
26.9	99	93	19	0	3.2	4.5	4.8	6.1	102	66	31	4	62	66	65	8	129.6	98.7	79.8	64.3	124.9	96.3	80.8	66.3
26.4	100	67	10	0	1.6	7.2	4.7	3.0	1	6	6	4	5	6	4	4	----	55.3	53.3	47.4	----	61.3	51.5	49.2
29.3	100	100	0	0	3.9	5.5	4.0		1	2	1	0	5	2	9	0	----	----	----	----	----	----	----	----
27.3	100	98	4	0	2.7	3.6	3.5		48	49	33	0	27	78	40	0	134.9	108.3	86.3		128.0	100.7	82.6	
40.9	97	87	34	6	2.5	2.5	2.4	3.8	19	36	38	15	10	10	23	3	80.4	63.8	55.9	44.0	79.1	63.5	55.2	35.9
37.2	91	97	4	--					138	87	68	1	66	55	64	1	99.2	83.4	78.3	----	97.0	79.4	77.6	----
47.7	100	88	17	0					57	48	88	14	52	51	152	21	87.8	71.0	55.5	41.5	84.4	69.3	56.7	41.6
48.2	100	79	15	0					49	35	43	0	25	35	57	6	83.9	68.2	53.1		83.5	67.1	52.5	43.6
41.8	98	92	19	0					135	76	67	2	75	67	88	11	92.9	73.2	60.8	----	89.4	71.7	61.2	----
38.9	95	86	13	--					170	95	73	2	66	74	79	0	101.6	76.2	64.9	----	96.6	76.5	62.7	----
43.5	98	87	17	0					66	73	50	0	36	56	60	0	89.0	72.3	60.0		88.1	72.5	59.1	
32.0	80	76	0	0					93	18	11	0	58	3	12	0	117.7	81.9	53.3		106.5	73.7	51.1	
50.0	33	40	0	0					2	3	3	5	1	2	16	3	----	----	57.9	47.9	----	----	61.4	48.4
47.7	94	97	36	--					18	17	38	1	15	17	48	1	84.7	69.1	57.0	----	87.4	66.1	57.8	----
40.4	83	89	15	0					154	110	63	1	146	113	81	2	95.3	74.1	60.6	----	90.2	74.0	60.9	----
42.7	94	91	22	0					61	76	60	2	39	72	67	1	93.7	73.6	60.8	----	91.6	71.0	61.6	----
48.7	97	85	21	0					38	24	55	4	33	22	86	5	83.4	69.8	57.1	50.2	82.9	68.8	57.0	46.0
47.1	100	41	6	0					45	43	56	2	46	50	99	9	85.2	67.0	53.7	----	86.1	66.7	55.4	----
31.9	91	33	0	0					9	3	0	1	14	6	0	8	114.9	98.9		----	118.3	93.9		----
43.1	96	87	24	--					62	46	39	1	35	57	71	1	94.4	73.0	61.6	----	90.3	72.5	62.1	----
43.5	91	66	23	0					35	18	19	3	18	17	33	0	92.8	70.0	60.9	48.4	88.9	71.9	61.0	
46.1	100	86	25	--					36	58	118	0	26	55	107	1	89.5	70.8	60.0	----	87.7	70.4	58.6	----
47.1	99	100	7	0					35	43	71	4	33	47	70	1	90.3	71.0	57.3	----	87.1	69.7	58.6	----
47.1	99	100	7	0					35	43	71	4	33	47	70	1	90.3	71.0	57.3	----	87.1	69.7	58.6	----
44.8	82	85	14	0					20	33	34	0	18	35	29	0	90.0	73.3	60.0		79.7	71.2	59.2	
47.9	67	76	0	0					22	13	3	0	11	4	0	0	118.0	94.0	80.5		118.9	97.0		
39.2	100	100	55	13	1.8	2.0	2.5	3.2	18	13	13	7	11	10	7	8	71.5	61.5	48.0	42.7	66.9	56.3	48.8	44.8
40.0	100	96	82	0	1.0	2.7	2.4	4.7	19	13	19	7	22	10	15	11	73.3	60.4	51.8	44.7	68.7	59.0	50.9	44.9
29.5	100	97	0	0	3.3	2.9	3.4	1.3	38	33	31	3	13	33	50	1	116.3	84.6	67.5	----	108.7	82.9	67.2	----
30.5	95	88	0	0	2.5	2.7	3.6	3.1	62	103	93	8	41	77	95	15	102.2	80.9	65.9	53.6	97.8	77.3	65.8	60.5
25.8	100	53	0	0	2.1	2.2	2.2	2.0	12	5	13	3	13	12	28	1	80.5	69.1	58.4	----	79.2	67.2	59.2	----
28.2	100	100	7	0	0.6	2.0	4.3	0.0	35	33	17	3	16	27	12	6	102.1	77.4	57.6	59.4	98.4	74.0	61.1	62.6
34.7	96	82	0	0	2.0	2.2	2.3	2.6	109	100	62	3	70	139	93	4	116.9	92.3	80.5	67.9	108.7	90.6	80.1	65.9
24.1	100	69	0	0	-5.0	-3.5	-1.7	3.9	8	14	11	2	2	15	16	8	----	58.9	40.7	----	----	58.9	44.2	----
47.2	100	100	100	0	14.2	14.1	14.4	20.7	33	5	6	6	35	4	6	14	93.1	74.1	64.0	49.7	89.3	75.3	63.4	50.0
40.7	100	68	21	22	2.9	4.0	3.2	2.9	18	12	25	16	9	13	31	11	75.7	62.6	54.0	44.6	73.0	62.4	52.5	45.9
39.3	100	100	41	0	2.3	2.4	2.3	4.8	9	22	42	6	5	11	40	1	70.3	66.5	55.2	----	83.0	66.6	53.4	----
32.0	97	97	0	0	2.3	2.6	2.3		131	127	89	0	36	97	69	0	127.5	93.9	76.9		117.3	87.5	70.3	
35.3	99	89	11	0	2.8	2.3	3.0	9.4	53	46	71	3	27	46	81	6	88.2	77.9	60.0	42.4	86.6	67.7	56.6	42.7
36.1	95	79	14	0	2.9	2.5	5.0	3.0	17	11	11	7	5	3	10	0	92.6	81.7	63.7	35.9	86.7	65.3	66.9	
29.1	91	68	0	--	1.9	3.0	2.5	2.0	19	24	32	1	16	39	45	1	107.0	75.2	67.4	----	106.1	78.4	67.2	----
29.2	100	94	15	0	2.1	2.2	4.2		19	14	15	0	11	20	12	0	88.4	68.2	65.0		86.5	68.9	69.5	

APPENDIX I

ST. NAME	NOTES	(1) CAT.	(2) AVG. SAL. RTG.				(3) AVG. SALARY (\$1000s)					(4) AVG. COMP. RTG.				(5) AVG. COMPENSATION (\$1000s)				
			PR	AO	AI	IN	PR	AO	AI	IN	AR	PR	AO	AI	IN	PR	AO	AI	IN	AR
NC Appalachian St U	28	I/A	3	3	3	3	91.0	71.3	64.2	51.9	69.2	3	3	3	3	116.8	92.8	83.0	69.5	89.8
NC Campbell U		I/A	1	3	2	2	117.5	74.7	70.4	53.7	78.4	1	3	2	3	143.7	94.9	87.6	67.8	97.9
NC Davidson Coll		I/B	1	1	1	-	128.2	94.9	73.3	----	106.5	1	1	1	-	163.0	121.7	92.5	----	135.6
NC East Carolina U	27	I	5	5	5	1	96.4	76.1	68.0	67.6	72.6	5	5	5	2	122.7	98.2	88.0	80.2	93.9
NC North Carolina A&T St U	27	I/A	2	2	1	-	97.3	81.0	73.5	----	77.5	2	2	1	-	124.4	104.6	96.0	----	100.5
NC U North Carolina-Asheville	31	I/B	3	2	2		85.3	72.8	63.2		69.7	3	2	2		109.9	94.7	83.2		91.0
NC U North Carolina-Chapel Hill	5	I	2	2	2	1*	146.6	98.9	84.5	109.2	101.5	2	2	2	1*	182.3	126.0	108.8	137.8	128.1
NC Winston-Salem St U	28	I/A	3	3	2	1	92.4	74.5	65.8	61.1	72.9	3	3	3	1	118.9	97.0	86.6	81.2	95.1
ND Bismarck St Coll		III	4	4	5	-	70.3	56.1	48.8	----	53.4	4	4	4	-	97.1	79.6	69.0	----	75.5
OH Cleveland Institute of Art		I/B	5	4	4		65.9	59.3	53.9		56.1									
OH John Carroll U	31	I/A	2	4	2	-	94.1	69.6	66.3	----	77.2	3	3	2	-	122.3	96.2	90.6	----	103.6
OH Kent St U-Salem		III	1	1	1		94.8	76.6	65.3		63.7	1	1	2		121.4	102.9	86.8		87.5
OH Miami U-Middletown		I/B					97.0	72.3	58.1	36.1	47.0					136.4	101.7	81.7	50.7	87.6
OH Ohio Wesleyan U		I/B	2	3	3	-	91.1	68.9	57.3	----	75.3	2	2	2	-	125.4	99.5	79.2	----	104.5
OH Sinclair CC		III	3	4	4	4	76.3	60.0	52.0	43.7	66.1	3	4	4	5	100.0	78.5	68.0	57.2	86.6
OH U Akron-Wayne	12	III	3	2	3		82.2	71.2	53.1		67.5	3	3	3		108.8	92.4	73.6		89.5
OH U Cincinnati-Blue Ash Coll		III	2	2	3	4	85.0	70.3	54.5	44.9	64.3	3	2	4	4	111.7	92.4	71.8	58.9	84.6
OH U Cincinnati-Clermont Coll		III	2	3	3	2	86.9	65.8	54.7	50.4	65.4	2	3	4	3	114.1	86.5	72.2	66.9	86.2
OH Wright St U-Lake		III	1	2	2	5	88.9	71.1	57.2	40.0	61.5	1	2	3	5	121.1	97.5	80.3	57.7	86.7
OH Wright St U-Main	182	I	4	4	4	5	110.7	84.2	72.1	46.7	80.7	4	4	4	4	143.9	112.3	94.2	64.3	107.0
OH Youngstown St U	27	I/A	3	3	3	4	89.5	72.8	61.2	46.9	72.3	3	2	3	3	122.4	100.7	84.0	67.5	99.9
OK Oklahoma City U	13	I/A	5	5	5	2	78.1	60.0	54.6	53.9	63.8	5	5	5	3	91.6	71.5	65.5	64.9	75.7
OK Oklahoma St U-Oklahoma City		III	4	4	4	4	64.0	54.9	48.8	44.3	51.6	4	4	5	4	89.0	76.6	67.0	60.9	71.5
OR Oregon Tech	30	I/B	3	3	3	3	82.6	67.3	55.3	48.9	65.3	2	2	2	2	120.8	97.7	81.9	74.5	95.9
OR Portland St U	30	I	5	5	5	4	104.2	78.5	66.4	49.4	77.5	4	3	4	3	148.6	114.6	93.6	75.6	111.7
PA Alvernia U	28	I/B	3	4	3	4	82.7	63.6	55.7	43.9	58.8	3	3	2	3	113.0	90.0	80.6	63.0	83.7
PA Bloomsburg U Pennsylvania		I/A	1	1	2	3	107.9	85.2	67.2	48.6	80.0	2	2	4	5	127.8	101.6	80.3	57.3	95.1
PA Butler Co CC		III	3	3	3	3	73.0	63.3	55.8	47.3	60.0	3	3	3	3	100.0	88.0	79.6	66.6	83.7
PA DeSales U		I/A	3	2	3	3	89.4	75.8	61.6	49.1	67.4	3	2	3	3	118.3	103.2	86.6	67.5	92.7
PA Delaware Valley Coll		I/B	3	2	2	2	84.3	70.2	59.5	55.2	65.2	3	2	3	2	110.0	94.5	78.5	69.9	86.0
PA Gwynedd Mercy U	28,58	I/B	2	3	3	5	91.8	67.9	59.2	41.1	61.2	3	3	3	5	109.7	86.5	73.0	51.8	76.0
PA Lock Haven U	134	I/B	1	1	1	2	104.5	85.7	70.9	51.5	88.2	2	1	2	3	126.0	103.4	85.8	62.7	106.5
PA Montgomery Co CC	196	III	2	3	2	2	87.1	66.7	58.4	49.9	62.9	1	2	1	2	119.3	97.9	88.0	73.4	92.3
PA Moravian Coll	25	I/B	3	3	2	2	84.0	66.5	60.1	53.5	68.3	3	3	2	2	112.7	88.6	80.0	73.5	91.4
PA Valley Forge Christian Coll		I/B					62.7	45.6	49.7		53.1					69.7	51.7	61.6		61.8
SC Citadel Military Coll SC	30	I/A	3	2	3	3	90.6	75.4	63.7	50.3	75.2	3	2	3	2	120.2	101.2	86.6	69.9	101.1
SC Coker Coll		I/B	5	5	5	-	61.9	55.6	47.3	----	52.7								----	
SC Coll Charleston		I/A	3	3	3	2	92.3	73.1	65.1	54.7	73.7	2	2	2	2	124.4	100.7	90.8	78.0	101.4
SC Presbyterian Coll		I/B	4	4	3		69.5	63.8	55.1		64.4	4	4	4		90.3	81.8	70.6		83.2
SD Dakota St U	31	I/B	3	1	2	4	84.0	83.3	64.4	43.3	65.5	3	1	2	4	104.4	103.6	82.1	57.9	83.3
SD South Dakota St U		I					89.5	75.0	66.6	49.0	70.0					110.5	94.1	84.6	64.5	88.4
TN King U	28,113	I/A	5	5	5	4	62.6	61.8	53.6	48.4	56.7	5	5	5	4	87.7	77.3	70.7	61.3	73.6
TN Rhodes Coll		I/B	1	1	2	1	104.7	79.0	62.1	63.1	75.8									
TN Tennessee St U	27,89	I/A	5	5	5	3	78.1	63.5	55.3	48.8	62.7	4	4	4	3	106.2	87.4	75.4	67.1	86.5
TN U Memphis	1	I	4	5	5	5	109.8	74.7	65.5	44.4	76.3	5	5	5	5	139.5	99.0	87.2	60.4	99.9
TN U Tennessee-Martin		I/A	5	5	4	3	75.0	64.4	57.7	51.3	60.4	4	4	4	3	101.2	88.2	78.3	69.4	82.5
TN Volunteer St CC		III	5	5	5	5	61.5	54.3	47.9	41.7	50.6	5	4	5	5	85.0	76.1	66.4	58.0	70.5
TX Austin CC	141	III	4	4	5		71.1	54.8	48.7		65.0	4	5	5		86.7	68.0	61.7		79.7
TX Lamar St Coll-Orange		III	-		4	4	----		53.0	42.7	45.3	-		4	5	----		69.5	56.4	59.8
TX Prairie View A&M U		I/A	3	3	3	-	88.3	71.5	64.9	----	65.1	4	5	4	-	105.5	84.5	78.4	----	77.8
TX Southwestern U		I/B	2	3	2		86.6	67.8	60.8		72.7	3	3	3		110.6	88.1	75.5		92.8

Corrections to the 2014-15 Annual Report on the Economic Status of the Profession

(6) BEN. as % of SAL.	(7) PCT. TENURED				(8) PCT. INCR. (CONT. FAC.)				(9) F-T FAC. MEN F-T FAC. WOMEN								(10) AVG. SAL. MEN AVG. SAL. WOMEN							
	PR	AO	AI	IN	PR	AO	AI	IN	PR	AO	AI	IN	PR	AO	AI	IN	PR	AO	AI	IN	PR	AO	AI	IN
29.8	100	95	0	0	0.2	0.6	0.3	2.7	181	109	86	4	101	111	110	0	95.1	70.9	64.0	51.9	83.5	71.7	64.3	
25.0	68	22	2	0	4.7	4.3	4.3	4.1	32	58	46	7	9	34	41	5	119.2	76.5	67.9	43.7	111.4	71.7	73.3	67.7
27.3	100	98	0	--					64	21	17	0	30	19	22	1	130.5	92.5	74.7	----	123.1	97.6	72.3	----
29.4	98	95	2	0	0.6	0.8	1.0	0.6	161	236	100	2	56	186	143	2	96.8	77.1	70.1	----	95.4	74.8	66.5	----
29.7	98	91	5	--	1.3	4.5	3.1	3.7	76	100	47	1	27	74	40	1	98.0	79.9	76.1	----	95.4	82.4	70.6	----
30.5	100	94	2	0	2.1	4.7	6.0	3.6	40	31	24	0	19	33	21	0	88.0	73.2	64.8		79.5	72.5	61.4	
26.2	98	92	0	0	0.8	1.3	2.0	2.3	379	202	156	3	147	162	150	2	152.3	101.7	88.4	----	131.6	95.5	80.5	----
30.5	100	94	1	0	0.0	0.4	0.7	0.9	33	57	22	14	22	59	51	31	89.2	74.3	61.3	59.0	97.1	74.8	67.8	62.1
41.6	100	100	2	--	3.0	3.6	7.1	3.8	4	34	38	1	3	28	19	1	77.4	58.5	49.6	----	60.9	53.2	47.1	----
	0	0	0	0					9	8	5	0	8	5	3	0	64.9	63.1	53.6		67.0	53.2	54.5	
34.3	100	98	18	--	1.2	2.2	1.9	2.3	41	41	22	0	22	25	29	2	99.8	71.4	66.9	----	83.4	66.6	65.9	----
37.3	100	100	60	0	2.8	4.1	5.8		3	6	2	0	0	2	3	0	94.8	----	----		----	----		
40.5	100.0	100.0	8.3	0	2.0	4.1	3.5	2.5	6	11	4	1	4	4	8	3	93.4	72.9	59.0	35.0	102.6	70.9	57.7	36.5
38.9	100	85	9	--	6.5	7.9	5.0	18.2	45	17	23	1	22	10	24	1	92.0	69.2	57.4	----	89.4	68.5	57.2	----
31.0	100	65	4	0	2.4	4.6	4.3	3.5	87	21	25	3	86	39	53	10	77.1	60.4	52.8	42.5	75.5	59.7	51.6	44.1
32.7	100	100	0	0	0.0	0.0	0.0		3	5	3	0	4	2	5	0	86.7	----	53.4		78.8	----	53.0	
31.6	94	81	4	0	7.1	8.9	8.2	4.9	9	15	32	5	25	28	46	5	86.4	73.2	54.1	44.0	84.5	68.6	54.8	45.7
31.7	100	72	13	0	8.5	8.9	10.5	7.0	11	16	16	2	9	16	15	5	88.3	67.1	53.8	----	85.2	64.5	55.6	----
40.9	100	89	13	0	3.0	3.1	8.6	3.0	4	9	3	1	0	0	5	5	88.9	71.1	58.9	----			56.1	----
32.5	97	90	0	0	2.5	3.0	4.2	3.3	128	110	51	32	45	94	61	45	115.0	87.6	75.5	47.4	98.5	80.2	69.2	46.3
35.9	100	96	6	0	0.9	1.3	0.1	1.2	96	68	59	14	41	55	66	27	92.0	73.9	63.8	48.2	83.7	71.4	59.0	46.2
18.7	90	53	7	0	0.2	1.5	0.5	0.6	43	29	23	11	25	26	23	24	77.1	61.9	59.1	57.8	79.7	58.0	50.2	52.1
38.5	100	100	0	9	2.9	3.0	5.6	3.6	4	14	7	7	4	22	11	16	64.1	54.0	50.2	43.5	64.0	55.5	47.9	44.7
46.9	98	78	5	0	10.9	11.9	8.8	27.8	26	24	42	3	14	13	22	5	84.1	68.7	56.2	52.5	79.7	64.7	53.7	46.7
44.2	96	88	0	0	2.4	4.0	4.0	5.6	170	109	108	55	75	86	116	98	105.9	80.9	66.3	52.0	100.3	75.5	66.6	48.0
42.5	100	95	18	0	1.5	10.0	-8.0	10.6	4	17	21	7	4	20	23	9	83.8	67.4	55.2	39.5	81.6	60.5	56.2	47.3
18.9	100	86	24	3	2.9	4.8	6.2	5.0	86	67	62	36	33	37	65	35	108.4	85.0	67.6	47.9	106.7	85.5	66.8	49.3
39.5	100	100	100	39					7	7	6	6	12	6	8	12	81.2	65.8	60.8	49.5	68.2	60.3	52.0	46.1
37.6	79	76	0	0	3.9	5.8	4.0	3.8	10	18	21	7	4	15	36	7	86.8	76.3	60.0	47.2	95.7	75.1	62.5	50.9
32.0	100	96	21	0	3.0	4.5	4.6	5.2	8	18	21	3	3	10	13	7	84.9	70.7	59.4	57.2	82.7	69.2	59.7	54.3
23.8	80	29	24	0	0.0	2.8	10.0	64.4	1	9	12	2	4	8	30	7	----	68.4	58.7	----	----	67.3	59.4	----
20.7	100	94	50	0	3.8	4.9	5.1	2.0	40	41	20	1	39	28	34	4	104.3	85.8	72.3	----	104.8	85.4	70.2	----
46.7	100	95	80	3					15	15	39	13	14	23	64	16	89.3	66.5	57.7	50.0	84.7	66.8	58.8	49.7
33.9	96	98	0	0	2.5	2.8	3.3	2.3	17	20	2	3	9	26	16	9	85.2	64.5	----	41.3	81.7	68.0	----	57.5
16.5	0	0	0	0	0.4	2.3	0.0	0.0	10	3	7	1	4	6			62.7	50.3			40.9	49.0		
34.3	95	94	6	0	2.1	2.3	3.4	2.9	46	44	30	4	13	21	21	9	91.4	78.6	67.6	61.1	87.7	68.6	58.1	45.5
	100	92	0	--	0.9	0.7	1.3		5	14	9	0	8	12	14	1	62.7	54.2	47.2	----	61.4	57.3	47.4	----
37.7	99	99	1	0	6.1	6.5	5.5	5.5	90	97	97	23	53	73	73	36	94.5	75.6	67.7	57.9	88.4	69.7	61.8	52.7
29.0	97	85	0	0	3.9	5.6	5.4		26	18	6	0	9	9	11	0	69.4	63.7	57.5		69.7	64.0	53.7	
27.2	100	95	0	0	3.5	6.9	3.4	4.1	12	14	20	15	5	5	11	11	84.7	90.3	63.9	46.4	82.3	63.6	65.4	39.0
26.3	92.5	83.2	0.7	0	3.6	4.1	3.5	4.3	116	64	88	36	45	31	65	81	90.0	76.3	68.5	49.8	88.1	72.5	64.0	48.7
29.9	0	0	0	0	4.8	4.7	9.3	3.9	7	16	20	4	3	22	36	6	63.2	62.8	53.4	42.1	61.2	61.0	53.8	52.6
	100	97	0	0	3.8	2.7	3.8	1.7	19	37	25	1	6	25	35	4	107.7	79.1	64.4	----	95.5	79.0	60.4	----
34.3	95	80	26	75	1.1	2.7	3.9	0.0	72	70	64	3	37	49	77	1	80.8	65.5	58.1	----	72.9	60.7	53.1	----
30.9	96	89	3	0					192	133	119	62	41	119	121	87	113.5	76.2	69.7	46.8	92.7	72.9	61.4	42.6
36.5	99	88	12	62					49	41	42	9	24	34	35	4	76.5	63.6	59.0	49.9	71.9	65.3	56.2	54.3
39.3	100	79	0	0	1.4	2.7	3.1	2.1	11	33	13	20	6	40	11	24	61.5	54.6	48.2	42.3	61.6	54.1	47.6	41.2
22.6	0	0	0	0	2.6	3.6	4.0		172	46	15	0	172	102	22	0	70.7	54.6	48.6		71.5	54.9	48.8	
32.1	--	0	78	24	2.1		2.0	1.0	1	0	5	11	1	0	4	23	----		50.8	41.6	----		55.7	43.2
19.6	97	96	0	--					49	51	30	2	10	27	27	0	90.6	70.3	67.4	----	77.3	73.9	62.1	----
27.7	100	98	0	0	1.6	1.6	1.6		26	23	8	0	17	22	12	0	90.6	69.5	61.2		80.6	66.1	60.5	

APPENDIX I

ST. NAME	NOTES	(1) CAT.	(2) AVG. SAL. RTG.				(3) AVG. SALARY (\$1000s)					(4) AVG. COMP. RTG.				(5) AVG. COMPENSATION (\$1000s)				
			PR	AO	AI	IN	PR	AO	AI	IN	AR	PR	AO	AI	IN	PR	AO	AI	IN	AR
TX St. Mary's U	15	IIA	1	2	3	1	116.6	75.0	63.9	64.2	88.9	1	4	4	2	137.9	89.8	77.4	71.9	105.9
TX Texas St U		IIA					87.7	76.7	70.4	62.6	46.7					118.5	93.3	87.4	77.0	84.0
TX Texas Wesleyan U	31	IIA	4	5	2	5	80.4	61.7	67.2	41.2	67.5									
TX Trinity U	30	IIA	1	2	1	4	118.8	80.4	72.9	46.8	91.3	1	2	2	3	150.5	102.0	92.7	66.7	116.0
TX U Houston-Clear Lake	31	IIA	2	2	2		96.3	77.4	65.2		74.3									
TX U Incarnate Word	27,73	IIA	3	1	1	1	91.0	81.7	72.7	64.0	77.3	4	2	2	2	110.1	100.9	88.5	78.1	94.5
UT Dixie St U	28	III	3	3	3	3	79.1	63.4	53.8	45.8	58.1	3	3	3	3	110.4	90.4	77.9	67.1	83.3
UT Snow Coll	222	III	5	4	4	3	63.0	59.1	49.6	46.0	52.2	4	3	4	3	87.2	90.2	71.2	67.2	76.5
UT Westminster Coll	28	IIB	2	2	2	-	87.8	75.4	62.8	----	75.2				-				----	
VT Saint Michael's Coll		IIB	2	2	2	2	96.4	73.4	60.6	52.5	76.7	1	2	2	1	130.8	100.8	84.6	76.5	105.7
VT Vermont Tech Coll	25	III	4	5	5		69.9	51.1	45.4		57.1	4	4	4		99.4	78.2	71.0		84.7
VA Bridgewater Coll		IIB	4	4	4	4	72.9	60.1	53.0	45.9	56.8	4	5	4	3	90.3	74.7	66.5	61.7	71.7
VA James Madison U	27	IIA	3	4	3	2	90.8	70.1	64.8	53.8	72.4	2	3	2	2	123.4	98.1	91.2	77.9	100.8
VA Longwood U		IIA	4	4	4	2	80.1	67.1	59.2	58.4	63.4	4	4	3	1	108.3	91.8	82.3	83.5	87.0
VA Sweet Briar Coll		IIB					81.0	65.4	53.0	51.3	66.0					101.4	80.9	67.0	71.7	83.0
VA Virginia Commonwealth		I					119.5	84.0	72.8	46.0	80.0					159.3	111.9	96.9	61.0	106.5
WA Seattle Pacific U	27	IIA	3	2	2	2	92.0	75.8	66.2	53.8	77.3	3	2	3	2	117.8	99.1	86.4	70.7	100.2
WA Washington St U	27,218	I	3	3	3	4	122.8	85.8	81.0	48.5	88.1	4	4	3	4	151.3	108.0	101.4	64.5	110.5
WA Whitworth U		IIB	3	2	3	2	83.3	69.0	59.1	54.5	61.5	3	3	3	2	112.0	90.4	78.3	73.1	81.8
WV Shepherd U		IIA					73.1	62.3	55.0		60.4					94.3	79.0	69.5		76.7
WV West Virginia Wesleyan Coll	28	IIB	5	5	5	5	63.5	53.0	45.3	40.2	50.2	5	5	5	5	86.6	69.6	57.4	50.6	65.2
WI Mount Mary Coll		IIB	4	4	5	4	69.1	57.7	49.7	44.3	53.7	4	4	4	4	95.1	79.0	68.6	57.6	73.4
WI U Wisconsin Colleges	94	III	5	5	5		62.4	50.2	44.9		50.4	4	5	5		86.1	71.9	65.9		72.2
WI U Wisconsin-Eau Claire		IIA	5	5	3	2	76.9	63.8	63.5	55.7	64.9	4	4	2	2	102.7	87.7	87.3	78.4	88.9
WI U Wisconsin-Platteville		IIA	5	5	4		72.3	58.1	57.3		57.9	5	5	4		97.4	81.1	80.2		80.8
WY Central Wyoming Coll		III	4	4	3	2	66.2	58.0	53.7	51.9	58.2	3	3	2	1	99.9	91.6	85.3	82.1	90.3

APPENDIX II

ST.	NAME	NOTES	(1) CAT.	(2) AVG. SAL. RATING	(3) AVG. SAL. (\$1000s)	(4) AVG. COMP. RATING	(5) AVG. COMP. (\$1000s)	(6) BEN. as % of SAL.	(7) PCT. TEN.	(8) PCT. INCR. CONT. FAC.	(9) NO. OF F-T FAC.		(10) AVG. SAL.	
											MEN	WOMEN	MEN	WOMEN
AL	Northwest-Shoals CC	207	IV	5	53.5				85		38	43	56.8	50.6
DE	Delaware Tech CC-Owens		IV	1	66.8	2	87.9	31.6	0		37	83	65.0	67.6
IA	Hawkeye CC		IV	4	55.6				0	5.2	65	57	56.0	55.2
MN	Alexandria Tech CC		IV		66.2				83		37	26	66.3	66.2
MN	Mesabi Range Cmty Tech Coll				65.6				84		18	13	65.7	65.4

A revised version of the "Notes to Appendices I and II" is available at <http://www.aup.org/sites/default/files/files/2015salariesurvey/notesforappendices.pdf>.

(6) BEN. as % of SAL.	(7) PCT. TENURED				(8) PCT. INCR. (CONT. FAC.)				(9) F-T FAC. MEN F-T FAC. WOMEN								(10) AVG. SAL. MEN AVG. SAL. WOMEN							
	PR	AO	AI	IN	PR	AO	AI	IN	PR	AO	AI	IN	PR	AO	AI	IN	PR	AO	AI	IN				
19.0	91	94	10	0	1.0	1.3	1.8	1.0	59	32	33	3	31	19	17	1	122.0	75.1	62.0	----	106.4	74.8	67.5	----
21.7	96.8	92.2	2.6	100	2.8	3.7	4.1	2.7	165	139	107	1	86	131	122	0	99.0	78.7	69.5		95.2	74.6	71.2	
	97	98	7	0	4.6	5.7	6.2	8.4	22	22	17	1	17	22	26	8	87.9	61.6	71.7	----	70.6	61.7	64.3	----
27.1	99	98	0	0	3.5	5.7	7.2	1.6	52	49	31	0	28	33	28	5	122.1	81.0	76.6		112.6	79.4	68.8	46.8
	100	100	0	0	2.8	4.1	6.5		33	56	37	0	15	43	44	0	99.0	78.8	68.9		90.6	75.6	62.2	
22.2	88	77	0	0	2.8	3.3	3.8	4.0	32	44	42	18	28	46	57	36	92.0	79.6	73.7	63.3	89.9	83.8	71.9	64.3
43.5	100	82	15	3	2.6	2.8	3.2	2.9	21	27	48	14	5	23	39	22	79.9	66.7	53.0	53.2	75.9	59.6	54.7	41.1
46.7	100	95	32	0	5.1	6.4	6.2	5.7	11	24	17	32	1	13	11	15	----	59.7	50.8	46.7	----	57.9	47.7	44.4
	0	0	0	--	1.8	0.2	0.8	5.3	26	26	25	2	27	20	28	0	93.2	78.8	65.7	----	82.6	70.9	60.2	----
37.8	100	100	0	0	2.0	2.0	2.0	2.0	36	27	9	11	19	21	11	14	97.2	73.1	61.7	56.4	94.8	73.7	59.7	49.4
48.4	97	56	3	0					23	8	12	0	12	8	18	0	72.0	50.3	46.2		65.8	51.9	44.9	
26.2	100	97	6	5	3.0	3.5	3.3	3.0	12	23	18	10	3	16	17	12	71.5	59.6	53.6	47.3	78.4	60.9	52.4	44.7
39.1	99	78	1	0	0.2	0.3	0.8	0.4	187	144	132	51	109	127	155	88	92.7	72.8	66.5	52.2	87.6	67.0	63.3	54.7
37.1	96	88	4	0	2.2	3.3	2.5	3.0	26	41	36	1	22	33	45	6	82.7	66.1	60.2	----	76.9	68.4	58.4	----
25.8	100.0	23.7	26.4	39.9	3.0	3.0	3.7	3.2	15	6	12	2	12	9	14	2	82.7	65.9	55.9	54.3	79.1	65.1	50.5	48.2
33.2	91.0	80.9	0.2	0	1.4	2.9	3.3	1.9	155	193	207	90	56	157	250	100	122.8	86.0	77.6	45.8	110.4	81.6	68.8	46.2
29.6	94	79	5	0	3.8	3.6	4.5	3.7	44	38	23	4	28	20	33	11	93.6	76.6	67.6	58.4	89.4	74.4	65.2	52.2
25.4	99	97	0	0	5.4	5.5	6.0	6.1	265	189	132	54	86	123	99	96	127.3	88.0	85.2	52.2	108.7	82.4	75.2	46.5
32.9	80	76	0	0	1.5	2.0	1.5	3.7	31	21	25	3	9	21	26	9	84.1	66.2	58.1	71.2	80.6	71.8	60.1	49.0
27.0	100.0	98.1	5.9		2.8	1.5	2.2		17	28	24		7	24	27	0	73.0	63.3	55.2		73.5	61.3	54.9	
30.1	92	87	8	0	3.0	7.1	5.2	4.2	10	12	11	2	3	18	28	5	64.7	54.3	45.4	----	59.7	52.2	45.3	----
36.0	100	100	25	0	5.5	9.8	4.2	5.1	2	2	1	0	6	17	27	9	----	----	----		----	----	----	44.3
43.3	100	100	1	0	1.0	1.6	2.0		44	73	41	0	23	51	44	0	62.2	50.3	45.0		62.9	50.0	44.9	
37.0	100	93	6	0	3.3	4.2	4.9	21.4	106	42	59	2	37	62	82	6	76.7	64.1	61.7	----	77.2	63.6	64.8	----
39.7	100	80	5	0	5.1	4.6	4.2		77	31	55	0	33	15	30	0	74.2	59.1	57.4		67.7	56.0	57.2	
55.1	85	100	56	5					10	4	5	7	10	3	4	12	67.1	58.5	54.5	51.0	65.4	57.4	52.7	52.5

STATEMENT ON DATA QUALITY

The AAUP Faculty Compensation Survey collects data from two- and four-year institutions across the United States through an online submission portal. These data are reviewed through our internal verification process, and, wherever the AAUP believes a possible error may have occurred, institutional representatives are contacted with a request to review those areas. Nearly all institutions comply with our requests for additional review. If resubmitted data meet our internal standard, they are approved for inclusion in the Faculty Compensation Survey. Questionable data without an institutional response are not included in the Faculty Compensation Survey.

While the AAUP makes every effort to provide the most accurate data, the Faculty Compensation Survey may include inaccuracies and errors or omissions. Users assume the sole risk of making use of these data; under no circumstances will the AAUP be liable to any user for damages arising from use of these data. The AAUP publishes additions and corrections to the *Annual Report on the Economic Status of the Profession* in the July–August issue of *Academe* (the *Bulletin of the American Association of University Professors*) and may make modifications to the content at any time.

Should there be an error to the Faculty Compensation Survey, the AAUP will also notify *Inside Higher Ed*, which publishes data from the survey on its website.

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A list of Association officers, general counsel, and Council members follows, with dates of term expiration noted at the end of each entry. An asterisk denotes a Council member serving in his or her second term or an officer serving in his or her fourth term. The AAUP Constitution provides that the president and vice presidents shall be eligible for election to their respective offices for no more than four consecutive full terms and directly-elected members of council for no more than two consecutive full terms. The distribution of states in each district is based on the redistricting plan approved by the Council on June 9, 2006.

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*Maria T. Bacigalupo (Administration, Planning, and Social Policy), Curry College, 2018

At-Large Delegates

Natalio “Nathan” Avani (Secondary Education), San Francisco State University, 2016

*Jane L. Buck (Psychology), Delaware State University, 2016

Dan O’Connor (Library and Information Science), Rutgers University, 2016

*Deanna D. Wood (Library), University of New Hampshire, 2016

Jacqueline Aranté (English), Portland State University, 2018

Richard Gomes (ESL), Rutgers University, 2018

Cynthia Klekar (English), Western Michigan University, 2018

Diana I. Rios (Communication and El Instituto), University of Connecticut, 2018

Ex Officio from Assembly of State Conferences

Hans-Joerg Tiede (Computer Science), Illinois Wesleyan University, chair, 2018

Vacant, past chair

Ex Officio from AAUP-CBC

Howard Bunsis (Accounting), Eastern Michigan University, chair, 2017

Vacant, past chair

Julie M. Schmid, staff ■

Officers and Committees of the AAUP-CBC, 2015–16

The executive committee of the AAUP-CBC is the leadership board elected by the members of AAUP-CBC chapters.

Executive Committee

Chair

Howard Bunsis (Accounting), Eastern Michigan University, 2017

Vice Chair

Paul Davis (Behavioral and Social Sciences), Cincinnati State Technical and Community College, 2017

Secretary

Deanna D. Wood (Library), University of New Hampshire, 2016

Treasurer

Dennis Mazzocco (Radio, Television, and Film), Hofstra University, 2016

At-Large Members of the Executive Committee

Abel Bult-Ito (Biology), University of Alaska, 2016

Cecil Canton (Criminal Justice), California State University, Sacramento, 2017

Deborah Cooperstein (Biology), Adelphi University, 2016

Martin Kich (English), Wright State University, 2016

Katherine Morrison (Community Health and Wellness), Curry College, 2017

José Padín (Sociology), Portland State University, 2017

Jamie Owen Daniel, staff

Audit Committee

Howard Bunsis (Accounting), Eastern Michigan University, chair, 2018

Dennis Mazzocco (Radio, Television, and Film), Hofstra University, 2016

Alan Revering (Philosophy and Religion), Curry College, 2017

Lynn Quinn, staff ■

Board of Directors and Committees of the AAUP Foundation, 2015–16

The president, first vice president, second vice president, and secretary-treasurer of the AAUP serve as ex officio directors of the AAUP Foundation, as does the chair of Committee A on Academic Freedom and Tenure. One additional member of the AAUP's Council, elected by that body, serves as an ex officio director for a term of two years or until the termination of his or her service on the AAUP's Council, whichever is shorter. The AAUP-CBC Executive Committee appoints a representative to the board of directors. Public directors are elected by a majority vote of the directors in attendance at a regular or special meeting of the board.

Board of Directors

Chair

Henry Reichman (History), California State University, East Bay, AAUP first vice president and chair of Committee A on Academic Freedom and Tenure, 2016

Secretary

Maria T. Bacigalupo (Administration, Planning, and Social Policy), Curry College, AAUP Council member, 2016

Treasurer

Michele Ganon (Accounting), Western Connecticut State University, AAUP secretary-treasurer, 2016

Directors

Rudy H. Fichtenbaum (Economics), Wright State University, AAUP president, 2016

Susan Michalczyk (Arts and Sciences Honors Program), Boston College, AAUP second vice president, 2016

Henry Reichman (History), California State University, East Bay, AAUP first vice president and chair of Committee A on Academic Freedom and Tenure, 2016

Paul Davis (Behavioral and Social Sciences), Cincinnati State Technical and Community College, AAUP-CBC representative, 2016

Joan Wallach Scott (History), Institute for Advanced Study, 2017

Martin D. Snyder, former AAUP associate general secretary, 2017

Nancy Long, staff

Grant Committee

Irene T. Mulvey (Mathematics), Fairfield University, chair, 2016

John T. McNay (History), University of Cincinnati–Blue Ash College, 2016

Karen Miller (US Public Policy, Diplomatic and Economic History), Oakland University, 2016

Nancy Long, staff

Audit Committee

Michele Ganon (Accounting), Western Connecticut State University, chair, 2016

Pat Poli (Accounting), Fairfield University, 2016

Paul Davis (Behavioral and Social Sciences), Cincinnati State Technical and Community College, AAUP-CBC representative, 2016

Lynn Quinn, staff

Investment Committee

Michele Ganon (Accounting), Western Connecticut State University, chair, 2016

Fall Ainina (Finance), Wright State University, 2018

Howard Bunsis (Accounting), Eastern Michigan University, 2018

Lynn Quinn, staff

Governing Board of the Academic Freedom Fund

Joan Wallach Scott (History), Institute for Advanced Study, chair, 2016

Maria T. Bacigalupo (Administration, Planning, and Social Policy), Curry College, 2018

Gregory L. Comer (Physics), Saint Louis University, 2016

Michael DeCesare (Sociology), Merrimack College, 2016

Henry Reichman (History), California State University, East Bay, ex officio as chair of the AAUP Foundation, 2016

Gregory F. Scholtz, staff

Governing Board of the Contingent Faculty Fund

Howard Bunsis (Accounting), Eastern Michigan University, ex officio as chair of the AAUP-CBC, 2018

Richard Gomes (ESL), Rutgers University, ex officio as chair of the Committee on Contingency and the Profession, 2017

Henry Reichman (History), California State University, East Bay, ex officio as chair of the AAUP Foundation, 2016

Anne Sisson Runyan (Women's, Gender, and Sexuality Studies), University of Cincinnati, ex officio as chair of the Committee on Women in the Academic Profession, 2018

Hans-Joerg Tiede (Computer Science), Illinois Wesleyan University, ex officio as chair of the ASC, 2018

Dawn Tefft, staff

Governing Board of the Legal Defense Fund

Paulette M. Caldwell (Law), New York University, 2018

Martha E. Chamallas (Law), Ohio State University, 2016

Ann C. Hodges (Law), University of Richmond, 2017

Linda H. Krieger (Law), University of Hawaii at Manoa, 2018

Michael A. Olivas (Law), University of Houston, 2016

Risa L. Lieberwitz (Law), Cornell University, ex officio as general counsel, 2016

Henry Reichman (History), California State University, East Bay, ex officio as chair of the AAUP Foundation, 2016

Julie M. Schmid, ex officio as executive director of the AAUP

Nancy Long, staff

Aaron Nisenson, staff

Governing Board of the Glick, Rappaport, Tristman Fund

Risa L. Lieberwitz (Law), Cornell University, ex officio as general counsel, 2016

Henry Reichman (History), California State University, East Bay, ex officio as chair of the AAUP Foundation, 2016

Julie M. Schmid, ex officio as executive director of the AAUP

Gregory F. Scholtz, ex officio as director of the Department of Academic Freedom, Tenure and Governance

Nancy Long, staff

Governing Board of the Henry T. Yost Fund

Michael DeCesare (Sociology), Merrimack College, ex officio as chair of the AAUP Committee on College and University Governance, 2017

Steven London (Political Science), City University of New York Brooklyn College, 2017, ex officio as chair of the AAUP Committee on Government Relations

Steve Shulman (Economics), Colorado State University, 2017, ex officio as chair of the AAUP Committee on the Economic Status of the Profession, 2017

Craig Vasey (Philosophy), University of Mary Washington, 2016

Nancy Long, staff ■

Committees of the AAUP, 2015–16

Appointments to standing committees of the Association are ordinarily for a term of three years; the terms of approximately one-third of the members of each committee expire with the adjournment of each annual meeting. By Council action in June 1977 (as amended in November 1988), appointments to a “second consecutive three-year term shall be occasional; a third consecutive three-year term shall be rare.” An appointment may be extended beyond nine consecutive years only in extraordinary circumstances and is subject to ratification by the executive committee and the Council. Appointments are made by the president of the Association, who has the advice of members of the Association, the executive director, and other members of the staff. The executive director assigns members of the staff to assist the committees in their work.

A list of committee appointments follows, with the date of expiration given after each name. In addition to standing committees, there are special committees whose members serve ex officio or are appointed by the president according to regulations established by the Council. The AAUP Constitution provides that the president shall be a member ex officio of all committees except the Nominating Committee, the Election Committee, and the Election Appeals Committee. The officers of the Assembly of State Conferences are elected by that body. The Executive Committee of the Council consists of the Association’s officers, general counsel, and past president; the chairs of the ASC and the AAUP-CBC; and four at-large members elected by the Council from among their number.

Executive Committee of the Council

Rudy H. Fichtenbaum (Economics), Wright State University, president, 2016
Henry Reichman (History), California State University, East Bay, first vice president, 2016
Susan Michalczyk (Arts and Sciences Honors Program), Boston College, second vice president, 2016
Michele Ganon (Accounting), Western Connecticut State University, secretary-treasurer, 2016
Maria T. Bacigalupo (Administration, Planning, and Social Policy), Curry College, member at large, 2016
Charles A. Baker (French and Film), College of the Holy Cross, member at large, 2016
Linda L. Carroll (Italian), Tulane University, member at large, 2016
Anne Friedman (Linguistics and Academic Literacy), Manhattan Community College, City University of New York, member at large, 2016
Howard Bunsis (Accounting), Eastern Michigan University, chair of the AAUP-CBC, 2017
Hans-Joerg Tiede (Computer Science), Illinois Wesleyan University, chair of the ASC, 2018

Risa L. Lieberwitz (Law), Cornell University, general counsel, 2016
Julie M. Schmid, staff

Committee A on Academic Freedom and Tenure

Henry Reichman (History), California State University, East Bay, chair, 2018
Michael F. Bérubé (English), Pennsylvania State University, 2018
Don M. Eron (Writing and Rhetoric), University of Colorado at Boulder, 2018
Jeffrey R. Halpern (Anthropology), Rider University, 2018
Marjorie Heins (Communications), New York, NY, 2018
Michael E. Mann (Meteorology), Pennsylvania State University, 2018
Walter Benn Michaels (English), University of Illinois at Chicago, 2016
Debra Nails (Philosophy), Michigan State University, 2018
Joan Wallach Scott (History), Institute for Advanced Study, 2018

Hans-Joerg Tiede (Computer Science), Illinois Wesleyan University, 2018
Donna Young (Law), Albany Law School, 2018
Risa L. Lieberwitz (Law), Cornell University, ex officio as general counsel, 2016
Joan E. Bertin (Public Health), Columbia University, consultant, 2016
Barbara M. Jones (Legal History), American Library Association, consultant, 2016
James Turk (Sociology), Ryerson University, consultant, 2017
Irene T. Mulvey (Mathematics), Fairfield University, liaison from the ASC, 2017
Gregory F. Scholtz, staff

Committee on Academic Professionals

Angela Brommel (Community Outreach and Humanities), Nevada State College, chair, 2016
Iris Delutro (Labor Education and Advancement Program), City University of New York Queens College, 2016
Karen Kennedy (Academic Advising), Portland State University, 2017
Vijay Nair (Library Science), Western Connecticut State University, 2016
Michael Spahr, staff

Committee on Accreditation

Thomas Coffey (Modern Languages), Creighton University, chair, 2017
J. Michael Bernstein (Management and International Business), Wright State University, 2017
Philip Cole (Physics), Idaho State University, 2018
Anita Levy, staff

Committee on Association Investments

Michele Ganon (Accounting), Western Connecticut State University, chair, 2016
Fall Ainina (Finance), Wright State University, 2018
Howard Bunsis (Accounting), Eastern Michigan University, 2018
Lynn Quinn, staff

Committee on College and University Governance

Michael DeCesare (Sociology), Merrimack College, chair, 2017
Charles A. Baker (French and Film), College of the Holy Cross, 2018
Linda L. Carroll (Italian), Tulane University, 2016
George M. Cohen (Law), University of Virginia, 2016

Ruben Garcia (Law), University of Nevada, Las Vegas, 2018
Michael Harkins (History), Harper College, 2017
Jeannette Kindred (Communications), Eastern Michigan University, 2016
Duane Storti (Mechanical Engineering), University of Washington, 2017
Katherine Morrison (Community Health and Wellness), Curry College, liaison from the AAUP-CBC, 2017
Brian Turner (Political Science), Randolph-Macon College, liaison from the ASC, 2017
Gregory F. Scholtz, staff
Jordan E. Kurland, staff

Committee on Community Colleges

Kimberley Reiser (Biology), Nassau Community College, chair, 2018
Ashlee Brand (English), Cuyahoga Community College, 2016
Paul Davis (Behavioral and Social Sciences), Cincinnati State Technical and Community College, 2018
Anne Friedman (Linguistics and Academic Literacy), City University of New York Borough of Manhattan Community College, 2016
Jim Klein (History), Del Mar College, 2017
Caprice Lawless (English), Front Range Community College, 2017
Robert Manis (Sociology), College of Southern Nevada, 2018
Joshua Guy Lenes, staff

Committee on Contingency and the Profession

Richard Gomes (ESL), Rutgers University, chair, 2017
Michael Batson (History), College of Staten Island, 2016
Joe Berry (Labor Studies and History), Berkeley, CA, 2016
Sam Gioia (Social Work), Portland State University, 2018
Mary Ellen Goodwin (ESL), De Anza College, 2016
Julie Haught (English), Bowling Green State University, 2017
Suzanne Hudson (English), University of Colorado at Boulder, 2017
Mary Ann Irwin (History), Diablo Valley Community College, 2017
David Kociemba (Visual and Media Arts), Emerson College, 2016

Debra Merskin (Journalism and Communication),
University of Oregon, 2018

Robert Rubin (English and ESL), Wright State
University, 2016

Dawn Tefft, staff

**Committee on the Economic Status of the
Profession**

Steve Shulman (Economics), Colorado State
University, chair, 2017

Barbara Hopkins (Economics), Wright State
University, 2018

Robert Kelchen (Higher Education), Seton Hall
University, 2018

Sharon Mastracci (Public Administration), University
of Illinois at Chicago, 2016

Elaine McCrate (Economics), University of Vermont,
2017

Mehmet Yaya (Economics), Eastern Michigan
University, 2017

John Barnshaw, staff

Committee on Government Relations

Steven London (Political Science), City University
of New York Brooklyn College, chair, 2017

Kim Geron (Political Science), California State
University, East Bay, 2017

Sara Kilpatrick, executive director of the Ohio AAUP
conference, 2017

Geoff Kurtz (Political Science), City University of New
York Borough of Manhattan Community College,
2017

John McNay (History), University of Cincinnati–Blue
Ash College, 2018

Daniel P. Murphy (History), Hanover College, 2016

Linda Rouillard (French), University of Toledo, 2016

Howard Bunsis (Accounting), Eastern Michigan
University, ex officio as chair of the AAUP-CBC,
2017

Hans-Joerg Tiede (Computer Science), Illinois
Wesleyan University, ex officio as chair of the ASC,
2018

Samuel Dunietz, staff

Committee on Graduate and Professional Students

Danielle Dirocco (Political Science), University of
Rhode Island, chair, 2018

Abhishek Bhattacharyya (South Asian Languages and
Civilizations), University of Chicago, 2018

Matt Canfield (Anthropology), New York University,
2018

Alexandra Holmstrom-Smith (Sociology), University
of California, Los Angeles, 2018

Shane Lancer (Industrial and Labor Relations),
Cornell University, 2018

Anthony Levenda (Urban Studies and Planning),
Portland State University, 2018

Anna Waltman (English and American Literature),
University of Massachusetts Amherst, 2018

Kira Schuman, staff

**Committee on Historically Black Institutions and
Scholars of Color**

Cecil Canton (Criminal Justice), California State
University, Sacramento, chair, 2017

Femi I. Ajanaku (African and African American
studies), Lemoyne-Owen College, 2017

Benjamin Arah (Government and Philosophy), Bowie
State University, 2017

Jimmy Bell (Criminal Justice and Sociology), Jackson
State University, 2017

Charles L. Betsey (Economics), Howard University,
2017

Emily Houh (Law), University of Cincinnati, 2018

Doris Johnson (Teacher Education), Wright State
University, 2018

Julian Madison (History), Southern Connecticut State
University, 2017

John Mckiernan-González (History), Texas State
University, 2018

Katherine Morrison (Community Health and
Wellness), Curry College, 2017

Jason Elias, staff

Committee on the History of the Association

Hans-Joerg Tiede (Computer Science), Illinois
Wesleyan University, chair, 2016

Mary W. Gray (Mathematics), American University,
2016

Irwin Yellowitz (History), City University of New
York City College, 2016

Jordan E. Kurland, staff

Committee on Membership

Irene T. Mulvey (Mathematics), Fairfield University,
chair, 2016

John McNay (History), University of Cincinnati–Blue
Ash College, 2016

Katherine Parkin (History), Monmouth University,
2017

David Robinson (History), Truman State University, 2016

Howard Bunsis (Accounting), Eastern Michigan University, ex officio as chair of the AAUP-CBC, 2017

Hans-Joerg Tiede (Computer Science), Illinois Wesleyan University, ex officio as chair of the ASC, 2018

Rebecca Lewis, staff

Christopher Simeone, staff

Committee on the Organization of the Association

Kerry E. Grant (Mathematics), Southern Connecticut State University, chair, 2016

Dan O'Connor (Library), Rutgers University, 2017

Jonathan Rees (History), Colorado State University–Pueblo, 2017

Risa L. Lieberwitz (Law), Cornell University, ex officio as general counsel, 2016

Jordan E. Kurland, staff

Committee on Professional Ethics

Linda Farmer (Philosophy), Wright State University, chair, 2018

Arthur Greenberg (Chemistry), University of New Hampshire, 2018

Claire Katz (Philosophy and Women's and Gender Studies), Texas A&M University, 2018

Craig Vasey (Philosophy), University of Mary Washington, 2016

Aaron Nisenon, staff

Committee on Sexual Diversity and Gender Identity

Steven (Stacey) Harris (Mathematics and Computer Science), Saint Louis University, chair, 2016

Sine Anahita (Sociology), University of Alaska, 2018

Jeanne Laurel (English), Niagara University, 2018

Tracey Steele (Sociology), Wright State University, 2017

Jamie Owen Daniel, staff

Committee on Teaching, Research, and Publications

Craig Vasey (Philosophy), University of Mary Washington, chair, 2016

Martin Kich (English), Wright State University, 2016

Ann McGlashan (German), Baylor University, 2016

Susan Michalczyk (Arts and Sciences Honors Program), Boston College, 2018

Daniel Murphy (History), Hanover College, 2018

Jonathan Rees (History), Colorado State University–Pueblo, 2018

Gwendolyn Bradley, staff

Committee on Women in the Academic Profession

Anne Sisson Runyan (Women's, Gender, and Sexuality Studies), University of Cincinnati, chair, 2018

Joan Chrisler (Psychology), Connecticut College, 2016

Sally Dear-Healey (Sociology and Anthropology), State University of New York College at Cortland, 2017

Lori Dobbins (Music), University of New Hampshire, 2016

Kelly Hay (Communication and Journalism), Oakland University, 2016

Rana Jaleel (Gender and Women's Studies), University of California, Davis, 2018

Tina Kelleher (English), Towson University, 2017

Marian Meyers (Communication), Georgia State University, 2016

Paula A. Treichler (Communication and Media Studies), University of Illinois at Urbana-Champaign, 2016

Emily McCann, staff

Advisory Board for *Academe: Magazine of the AAUP*

Aaron Barlow (English), City University of New York New York City College of Technology, editor, 2018

Michael F. Bérubé (English), Pennsylvania State University, 2018

Juan González, *New York Daily News* and *Democracy Now!*, 2018

Martin Kich (English), Wright State University, 2018

Christopher Newfield (English), University of California, Santa Barbara, 2017

Gwendolyn Bradley, staff

Michael Ferguson, staff

Advisory Board for the *Bulletin of the American Association of University Professors*

Aaron Barlow (English), City University of New York New York City College of Technology, 2018

Henry Reichman (History), California State University, East Bay, 2018

Hans-Joerg Tiede (Computer Science), Illinois Wesleyan University, 2018

Deanna D. Wood (Library), University of New Hampshire, 2017

Michael Ferguson, staff

Gregory F. Scholtz, staff

Audit Committee

Michele Ganon (Accounting), Western Connecticut State University, chair, 2017
Howard Bunsis (Accounting), Eastern Michigan University, 2016
Pat Poli (Accounting), Fairfield University, 2016
Lynn Quinn, staff

Grievance Committee

Maria T. Bacigalupo (Administration, Planning, and Social Policy), Curry College, chair, 2016
David Jackson (Political Science), Bowling Green State University, 2017
Calvin Keeler (Agriculture and Natural Resources), University of Delaware, 2018
Michael Mauer, staff

Litigation Committee

Risa L. Lieberwitz (Law), Cornell University, chair, 2016
Joan E. Bertin (Public Health), Columbia University, 2018
Alan E. Brownstein (Law), University of California, Davis, 2018
James J. Brudney (Law), Ohio State University, 2017
Theresa Chmara, Esq., Washington, DC, 2017
Catherine Fisk (Law), University of California, Irvine, 2018
Amy Gajda (Law), Tulane University, 2018
Neal Hutchens (Education), Pennsylvania State University, 2018
Osamudia James (Law), University of Miami, 2017
Jay P. Kesan (Law), University of Illinois at Urbana-Champaign, 2018
Peter Lee (Law), University of California, Davis, 2017
Deborah C. Malamud (Law), New York University, 2017
Martha McCluskey (Law), State University of New York College at Buffalo, 2017
R. Anthony Reese (Law), University of California, Irvine, 2018
Steve Sanders (Law), Indiana University, 2017
Steven H. Shiffrin (Law), Cornell University, 2017
Nancy Long, staff
Aaron Nisenson, staff

Panel on Chapter and Conference Sanctions

Dennis Mazzocco (Radio, Television, and Film), Hofstra University, chair, 2018
Kate Budd (Art), University of Akron, 2018
Philip Cole (Physics), Idaho State University, 2018
Irene T. Mulvey (Mathematics), Fairfield University, 2018
Linda Rouillard (French), University of Toledo, 2018
Michael Mauer, staff

Officers and Executive Committee of the Assembly of State Conferences

Hans-Joerg Tiede (Computer Science), Illinois Wesleyan University, chair, 2018
Brian Turner (Political Science), Randolph Macon College, vice chair, 2018
John Hinshaw (History), Lebanon Valley College, treasurer, 2016
Josie McQuail (English), Tennessee Technological University, secretary, 2016
Irene T. Mulvey (Mathematics), Fairfield University, member at large, 2017
Leila Pazargadi (English), Nevada State College, member at large, 2016
Kira Schuman, staff ■

Institutions Sanctioned for Infringement of Governance Standards

REPORTS OF an Association investigation at the institutions listed below have revealed serious infringements of generally accepted standards of college and university governance endorsed by this Association, as set forth in the *Statement on Government of Colleges and Universities* and derivative governance documents. Institutions are placed on or removed from this sanction list by vote of the Association's annual meeting.

The publication of these sanctions is for the purpose of informing Association members, the profession at large, and

the public that unsatisfactory conditions of academic governance exist at the institutions in question.

The sanctioned institutions and the date of sanctioning are listed, along with the citation of the report that formed the basis for the sanction. Beginning in 2011, reports were published online on the AAUP website in the indicated month and year, with printed publication following in the annual *Bulletin of the American Association of University Professors*.

Lindenwood University (Missouri) (<i>Academe</i> , May–June 1994, 60–69)	1994
Elmira College (New York) (<i>Academe</i> , September–October 1993, 42–52)	1995
Miami-Dade College (<i>Academe</i> , May–June 2000, 73–88)	2000
Antioch University (<i>Academe</i> , November–December 2009, 41–63)	2010
Rensselaer Polytechnic Institute (New York) (January 2011)	2011
Idaho State University (May 2011)	2011

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Censured Administrations

INVESTIGATIONS by the American Association of University Professors of the administrations of the institutions listed to the right show that, as evidenced by a past violation, they are not observing the generally recognized principles of academic freedom and tenure endorsed by this Association, the Association of American Colleges and Universities, and more than 240 other professional and educational organizations. The 1940 *Statement of Principles on Academic Freedom and Tenure* can be found on the AAUP website at www.aaup.org.

This list is published for the purpose of informing Association members, the profession at large, and the public that unsatisfactory conditions of academic freedom and tenure have been found to prevail at these institutions. Names are placed on or removed from this censure list by vote of the Association's annual meeting.

Placing an institution on this list does not mean that censure is visited either upon the whole of the institution or upon the faculty but specifically upon its present administration. The term "administration" includes the administrative officers and the governing board.

Members of the Association have often shown their support of the principles violated by not accepting appointment to an institution on the censure list. Since circumstances differ widely from case to case, the Association does not assert that such an unqualified obligation exists for its members; it does urge that, before accepting appointments, they seek information on present conditions of academic freedom and tenure from the Association's Washington office and prospective departmental colleagues. The Association leaves it to the discretion of the individual to make the proper decision.

The censured administrations, with dates of censuring, are listed to the right. Reports through 2009 were published as indicated by the *AAUP Bulletin* or *Academe* citations in parentheses following each listing. Beginning in 2010, reports were published online on the AAUP website in the indicated month and year, with printed publication following in the annual *Bulletin of the American Association of University Professors*. Reference should also be made to "Developments Relating to Association Censure and Sanction" and to the "Report of Committee A," which annually appear respectively in *Academe* and in the *Bulletin of the American Association of University Professors*.

Grove City College (Pennsylvania) (March 1963, 15–24)	1963
Frank Phillips College (Texas) (December 1968, 433–38)	1969
Concordia Seminary (Missouri) (April 1975, 49–59)	1975
Murray State University (Kentucky) (December 1975, 322–28)	1976
State University of New York (August 1977, 237–60)	1978
Phillips Community College of the University of Arkansas (May 1978, 93–98)	1978
Nichols College (Massachusetts) (May 1980, 207–12)	1980
American International College (Massachusetts) (May–June 1983, 42–46)	1983
Metropolitan Community College (Missouri) (March–April 1984, 23a–32a)	1984
Talladega College (Alabama) (May–June 1986, 6a–14a)	1986
Pontifical Catholic University of Puerto Rico (May–June 1987, 33–38)	1987
Husson University (Maine) (May–June 1987, 45–50)	1987
Hillsdale College (Michigan) (May–June 1988, 29–33)	1988
Southeastern Baptist Theological Seminary (North Carolina) (May–June 1989, 35–45)	1989
The Catholic University of America (September–October 1989, 27–40)	1990
Dean College (Massachusetts) (May–June 1991, 27–32)	1992
Baltimore City Community College (May–June 1992, 37–41)	1992
Loma Linda University (California) (May–June 1992, 42–49)	1992
Clarkson College (Nebraska) (May–June 1993, 46–53)	1993
North Greenville College (South Carolina) (May–June 1993, 54–64)	1993
Savannah College of Art and Design (May–June 1993, 65–70)	1993
University of Bridgeport (November–December 1993, 37–45)	1994
Benedict College (South Carolina) (May–June 1994, 37–46)	1994
Bennington College (March–April 1995, 91–103)	1995
Alaska Pacific University (May–June 1995, 32–39)	1995
National Park Community College (Arkansas) (May–June 1996, 41–46)	1996
Saint Meinrad School of Theology (Indiana) (July–August 1996, 51–60)	1997
Minneapolis College of Art and Design (May–June 1997, 53–58)	1997
Brigham Young University (September–October 1997, 52–71)	1998
University of the District of Columbia (May–June 1998, 46–55)	1998
Lawrence Technological University (Michigan) (May–June 1998, 56–62)	1998
Johnson & Wales University (Rhode Island) (May–June 1999, 46–50)	1999
Albertus Magnus College (Connecticut) (January–February 2000, 54–62)	2000
Charleston Southern University (South Carolina) (January–February 2001, 63–77)	2001
University of Dubuque (September–October 2001, 62–73)	2002
Meharry Medical College (Tennessee) (November–December 2004, 56–78)	2005
University of the Cumberlands (Kentucky) (March–April 2005, 99–113)	2005
Virginia State University (May–June 2005, 47–62)	2005
Bastyr University (Washington) (March–April 2007, 106–20)	2007
Nicholls State University (Louisiana) (November–December 2008, 60–69)	2009
Cedarville University (Ohio) (January–February 2009, 58–84)	2009
North Idaho College (January–February 2009, 85–92)	2009
Stillman College (Alabama) (March–April 2009, 94–101)	2009
Clark Atlanta University (January 2010)	2010
University of Texas Medical Branch at Galveston (April 2010)	2010
Bethune-Cookman University (Florida) (October 2010)	2011
Louisiana State University, Baton Rouge (July 2011)	2012
Northwestern State University (Louisiana) (April 2012)	2012
Southeastern Louisiana University (April 2012)	2012
National Louis University (Illinois) (April 2013)	2013
Southern University, Baton Rouge (April 2013)	2013
Northeastern Illinois University (December 2013)	2014
University of Texas MD Anderson Cancer Center (April 2015)	2015
University of Illinois at Urbana-Champaign (April 2015)	2015
University of Southern Maine (May 2015)	2015
Felician College (New Jersey) (May 2015)	2015

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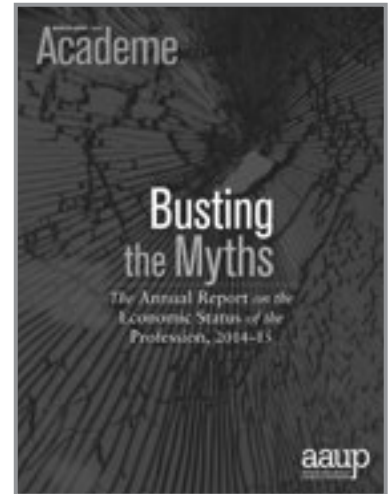
Teaching evaluations, trigger warnings, student debt, adjunct organizing—you'll find these and many other timely topics discussed on the *Academe Blog*.

Check it out at <http://academeblog.org> or follow the blog's twitter feed [@academeblog](https://twitter.com/academeblog).

Ordering Data from the Faculty Compensation Survey

Data from the AAUP Faculty Compensation Survey are now available in three formats:

- Custom institutional peer comparison reports on salary and benefits, in PDF or Excel format.
- Institution-specific datasets, covering more than 1,100 institutions and 375,000 faculty members, in Excel format.
- Complete copies of the *Annual Report on the Economic Status of the Profession* in print. AAUP members and subscribers receive one copy as part of their subscription to *Academe*. Additional copies may be ordered through the AAUP online store at <http://www.aaup.org/store>.



For more information or to order data, visit the AAUP website at <http://www.aaup.org/data>.

HOW TO CONTACT US

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AAUP COUNCIL RECORD

The record of the
June 2015 AAUP Council
meeting is available on the
AAUP website at

[http://www.aaup.org/about
/elected-leaders
/records-council](http://www.aaup.org/about/elected-leaders/records-council).

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NOMINATIONS INVITED FOR 2016 ELECTION

The Association's Nominating Committee seeks nominations for candidates for election to the AAUP's governing Council in spring 2016. Nominations are due by Monday, December 14, 2015.

All members of the Association in good standing, with the exception of associate members, are eligible to be elected to Council positions and to nominate other eligible members. The committee seeks a diverse group of candidates with experience in the AAUP at the local, state, or national level.

Four officer positions are open for election to two-year terms: president, first vice president, second vice president, and secretary-treasurer.

Fourteen Council positions are open for election:

- Four at-large Council positions
- One Council position in each of these geographical districts: I, II, III, IV, V, VI, VII, VIII, IX, and X¹

If you wish to nominate yourself as a candidate for an office or Council position OR to nominate another eligible member, you must submit the following information to the Nominating Committee by December 14:

1. The position for which the individual is being nominated.
2. The name, institution, and e-mail address of the individual being nominated.
3. The name, institution, and e-mail address of the individual making the nomination (if not self-nominating).

In addition, endorsements by letter and/or e-mail message from at least six AAUP members (one of whom may be the nominee) must also be presented to the Nominating Committee by December 14. Endorsements must cite the specific position for which the individual is being endorsed and the name, institutional affiliation, and e-mail address of the endorser. [NOTE: Nominees to a district Council position must be endorsed by at least six eligible members employed in that district.] **To ensure that all six required endorsements arrive by the December 14 deadline, we encourage potential candidates (or those acting on their behalf) to collect and submit them together in one letter or e-mail message.**

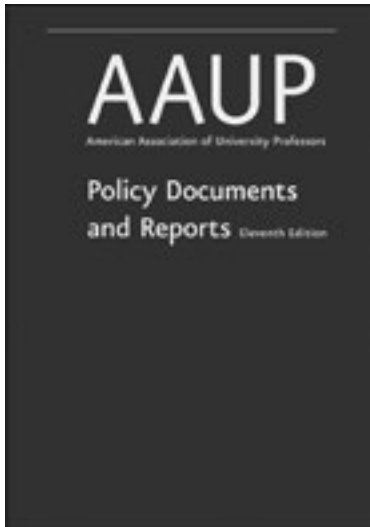
The nominations process is set forth in the AAUP Constitution, available at this link: <http://www.aaup.org/about/organization/aaup-constitution>.

The Nominating Committee will submit its final report to the Council by December 21. All proposed nominees who meet the eligibility requirements will have their names included on the ballot for the spring 2016 election.

Please send nominations by e-mail message to nominations@aaup.org or by surface mail to AAUP Nominating Committee, 1133 Nineteenth St. NW, Suite 200, Washington, DC 20036.

1. Council districts open for election are I (Arizona, California, Colorado, Hawaii, Nevada, New Mexico, Utah); II (Alaska, Idaho, Kansas, Minnesota, Montana, Nebraska, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Washington, Wisconsin, Wyoming); III (Michigan); IV (Arkansas, District of Columbia, Illinois, Indiana, Iowa, Kentucky, Missouri, Tennessee, Virginia); V (Alabama, Canada, Florida, Foreign, Georgia, Guam, Louisiana, Maryland, Mississippi, North Carolina, Puerto Rico, South Carolina, Virgin Islands, West Virginia); VI (Ohio); VII (New Jersey); VIII (New York); IX (Connecticut, New Hampshire, Vermont); and X (Delaware, Maine, Massachusetts, Pennsylvania, Rhode Island).

AAUP REDBOOK



Announcing the publication of the eleventh edition of the AAUP's *Policy Documents and Reports*

The AAUP's *Policy Documents and Reports* (widely known as the Redbook because of the color of its cover) presents in convenient format a wide range of policies, in some instances formulated in cooperation with other educational organizations. The current edition, the eleventh, includes basic statements on academic freedom, tenure, and due process; academic governance; professional ethics; research and teaching; online and distance education; intellectual property; discrimination; collective bargaining; accreditation; and students' rights and freedoms.

The new edition has been thoroughly updated and reorganized thematically. Brief historical introductions have been added to each section, along with an introductory essay on incorporating AAUP principles into faculty handbooks. Among the eighteen new reports included in this edition are statements on academic freedom and outside speakers, campus sexual assault, the inclusion of faculty on contingent appointments in academic governance, and salary-setting practices that unfairly disadvantage women faculty.

Hardcover and e-book versions of the Redbook are available for purchase through the Johns Hopkins University Press website. To order, visit <https://jhupbooks.press.jhu.edu/content/policy-documents-and-reports>.

AAUP members are entitled to a 30% discount for purchases made directly through the Johns Hopkins University Press website. Just use the code HWUP at checkout to receive your discount.

Want more applicants for that fellowship? Need to publicize a conference?

Advertise in ***Academe***, the magazine read by more than **35,000** faculty members and higher education professionals.



For more information, send an e-mail to kelsey.ohle@sagepub.com.

SHOW YOUR SUPPORT FOR THE AAUP WITH A LIFETIME MEMBERSHIP!

If you are 60 years of age or older, will you join us in this statement of faith that academic freedom will prevail despite the challenges higher education faces? Lifetime membership includes all regular membership benefits for the member's lifetime. Benefits currently include a subscription to *Academe* as well as eligibility to participate in discounted insurance programs.

ONE-TIME MEMBERSHIP DUES RATES FOR LIFETIME MEMBERSHIP:

- Age 60 to 64: \$1,800
- Age 65 to 69: \$1,200
- Age 70 and older: \$800

The lifetime member rates do not apply to members currently paying dues via a collective bargaining chapter. Membership dues are not tax-deductible.

➤ To become an AAUP lifetime member, please make your check payable to "AAUP" and mail to **1133 Nineteenth Street NW, Suite 200, Washington, DC 20036** or visit our website at www.aaup.org. Questions? E-mail rlewis@aaup.org

AAUP Merchandise Available

The AAUP offers T-shirts and other merchandise for individuals to purchase through Zazzle.com, a print-on-demand vendor. AAUP members can choose from a variety of T-shirts, travel mugs, sweatshirts, and laptop cases to show off their Association spirit.



To learn more, visit the AAUP store at <http://www.zazzle.com/theaaup>.

Interested in making a bulk order for your chapter or group? Please see <http://www.aaup.org/membership/aaup-shirts-and-gear>.



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AAUP MEMBER BENEFITS

YOUR AAUP MEMBERSHIP gives you exclusive access to the expertise of AAUP staff, members, and leaders. Our lineup of guidebooks, toolkits, and webinars put the resources to defend academic freedom, ensure economic security, and advance faculty governance for all faculty at your fingertips.

THE DISCOUNT INSURANCE PROGRAMS of the American Association of University Professors further enhance the value of your membership. Mass purchasing power permits us to make these programs available at prices below those an individual could obtain. Certain coverage may not be available in all states.

EXPERT KNOWLEDGE

- **Webinars** on topics such as strengthening faculty handbooks, good-faith bargaining, working with the media, and other topics of interest to advocacy and union AAUP chapters. You'll find recordings and materials from past webinars as well as information on new live webinars planned for the coming months.
<http://www.aaup.org/webinars>
- **Toolkits** for action that give you the guidelines, sample documents, and other resources you need to advance the faculty voice on your campus. These toolkits will help you organize a stronger chapter, run issue-based campaigns, build a better website, win improvements for faculty collective bargaining agreements, and more.
<http://www.aaup.org/get-involved/aaup-local-toolkit>
- **One Faculty Campaign** materials, which equip chapters to advocate for faculty in contingent appointments.
<http://www.aaup.org/get-involved/issue-campaigns/one-faculty>
- **Guidebooks** and other publications provide in-depth advice for navigating faculty appointments, the Family and Medical Leave Act, and using faculty handbooks as enforceable contracts.
<http://www.aaup.org/reports-publications/publications/guidebooks>
- **Publications** that keep you informed on the issues facing the profession and higher education. All members receive a subscription to *Academe*, the bimonthly magazine of the AAUP. The March–April issue of *Academe* contains the AAUP's annual faculty compensation survey, the Annual Report on the Economic Status of the Profession. Members are also eligible for discounted subscriptions to the *Chronicle of Higher Education*. Call the Chronicle's AAUP line at 1-800-728-2803 for the special AAUP discount of 33 percent off print and digital subscriptions. Members are also entitled to a 30 percent discount on the AAUP's *Policy Documents and Reports* (widely known as the "Redbook" because of the color of its cover). The current edition, the eleventh, includes basic statements on academic freedom, tenure, and due process; academic governance; professional ethics; research and teaching; online and distance education; intellectual property; discrimination; collective bargaining; accreditation; and students' rights and freedoms.

LOWER INSURANCE RATES

Professional Liability Insurance

This comprehensive coverage designed exclusively for AAUP members is offered by Liberty Insurance. It provides protection in the event of costly litigation related to your professional duties as a faculty member, librarian, researcher, or member of an instructional staff employed in an institution of higher education.

Customized Major Medical

An affordable major medical plan is hard to find if you are not covered under a college or university policy. Customized major medical plans offer a variety of options to AAUP members, depending on eligibility. The Short Term Medical Plan provides up to \$1 million in medical insurance for up to three consecutive twelve-month periods, billed monthly. Small employer options, ideal for groups of up to fifty, are also available. The Preferred Provider Option provides choices from a list of local doctors and facilities.

Medicare Supplement Insurance

Medicare does not pay for all your hospital or medical expenses. It requires that you pay deductibles and co-payments and will not cover expenses that exceed Medicare-allowable charges. The AAUP's supplemental insurance can help protect your assets in the event of prolonged illness or a severe injury. There are many plans to choose from. The plans vary in the extent of coverage provided, but all ten cover copayments for hospital and medical care. In addition, some of the plans cover Medicare's Part A and Part B deductibles, Part B excess charges, skilled nursing care copayments, and at-home and preventive care. Please note that all ten supplemental insurance plans may not be available in all states.

Group Term Life Insurance

The Term Life Insurance Plan offers low-cost protection in multiples of \$10,000 up to \$150,000, depending on your age. Dependent coverage is also available. No physical exam is necessary for application.

Accident Insurance

The Accident Insurance Plan provides inexpensive protection against financial loss from an accident if the accident results in death or loss of limbs, hearing, speech, or sight. Benefit levels between \$50,000 and \$500,000 are available. A unique educational rider is part of family coverage. All AAUP members under seventy are guaranteed coverage, as are their families.

Liberty Mutual Auto, Home, Condo, and Renter's Insurance

This comprehensive program from Liberty Mutual features auto and home insurance at specially negotiated discounted group rates with convenient payment options. Quality coverage for the following areas are available: auto, home, condominium, tenants, and valuable possessions. Personal catastrophic and other personal insurance is also available. Receive a no-obligation quote today at <http://www.libertymutual.com/aaup>. You may also call 1-800-524-9400 and mention client #9705.

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SUPPORT

THE AAUP FOUNDATION

THE AAUP FOUNDATION promotes the principles of academic freedom and the quality of higher education in a free and democratic society.

Your gift helps the AAUP Foundation protect academic freedom, safeguard quality higher education, and vigorously defend the rights of all members of the faculty.

Safeguarding academic freedom is one of our most important activities. This year, we have supported faculty facing apparent violations of academic freedom by making grants to

- Robin Meade, an adjunct professor and active union officer, who was summarily dismissed from Moraine Valley Community College after she criticized the administration about its treatment of adjuncts;
- Teresa Buchanan of Louisiana State University, Baton Rouge, who was dismissed after twenty years on the faculty for using profanity in the classroom;
- Steven Salaita, who is contesting his dismissal from the University of Illinois at Urbana-Champaign on academic freedom grounds.

We have also given grants to promote understanding of academic freedom and shared governance, including

- a five-year grant to the AAUP *Journal of Academic Freedom*, which is the only journal focused exclusively on academic freedom and on its relation to shared governance, tenure, and collective bargaining;
- a grant to cover the cost of a plenary address on the history of shared governance delivered at the AAUP Annual Conference on the State of Higher Education by Larry Gerber, author of *The Rise and Decline of Faculty Governance: Professionalization and the Rise of the Modern University*.

The AAUP Foundation needs your support in order to continue its important work. You can demonstrate your personal commitment to the AAUP Foundation's mission and goals by making a tax-deductible donation today.*

There are two easy ways to give to the AAUP Foundation — by returning this gift form to the listed address or donating through our website at <http://www.aupfoundation.org/donate>.

“Academic freedom is not a luxury or a special privilege. It is the necessary foundation of our educational system, one of the essential building blocks of our free society.”

—JOAN WALLACH SCOTT

*The AAUP Foundation is a 501(c)(3) tax-exempt organization and is eligible to receive tax-deductible donations. Each donation is tax deductible as and to the extent allowed under applicable law. Donations specifically earmarked to a restricted fund of the AAUP Foundation represent a contribution to that fund. Please see our Uniform Charity Disclosure Statement at <http://www.aupfoundation.org/uniform-charity-disclosure-statement>.

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Yes, I support the work of the AAUP Foundation with my gift of

\$1,000* \$500* \$250 \$100 Other \$ _____

* With their permission, donors who give \$500 or more will be enrolled in the AAUP Foundation's 2015 Luminaries' Circle and listed in *Academe* and on the AAUP Foundation website.

Please designate my gift as follows:

- General Fund (area of greatest need)
- Legal Defense Fund
- Academic Freedom Fund
- Contingent Faculty Fund

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Enclosed is my check payable to AAUP Foundation, or
Please charge my tax-deductible gift to my credit card:

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(Please print your name as it appears on the card)

Your name will be listed in our annual Honor Roll of Donors. Check here if you *do not* want to be listed.

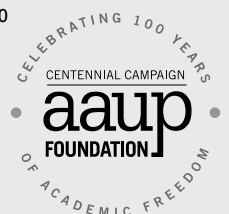
We will send you electronic newsletters and other information about the programs and activities of the AAUP Foundation. Check here if you *do not* want to receive these communications.

Return this gift form to

AAUP Foundation
1133 Nineteenth Street NW, Suite 200
Washington, DC 20036

Thank you for your support!

(2015Q2A3)



YES, I WOULD LIKE TO JOIN THE AAUP

NOW MORE THAN EVER we need to work together to defend academic freedom, the rights of all faculty, and the quality of higher education.

Please complete this form and mail it to the **AAUP, 1133 Nineteenth Street NW, Suite 200, Washington, DC 20036-3655.**

If you have any questions, please e-mail rlewis@aaup.org.

This is a new application an application for renewal.

Name _____
(PLEASE PRINT) FIRST MIDDLE LAST

Institution _____

Academic Discipline _____ Tenured? Yes No Tenure Track? Yes No

Home Address (required*) _____

CITY STATE ZIP CODE

Work Address _____

CITY STATE ZIP CODE

E-Mail _____ Daytime Telephone _____

Please do not include my name on non-AAUP mailing lists.

Preferred Mailing Address Home Work

*We are required to use home addresses for AAUP election materials.

2015 NATIONAL DUES ¹		
Annual Dues	Monthly Dues	Academic Income
\$58	\$4.83	\$30,000 and less
\$75	\$6.25	\$30,001–\$40,000
\$97	\$8.08	\$40,001–\$50,000
\$119	\$9.92	\$50,001–\$60,000
\$163	\$13.58	\$60,001–\$70,000
\$191	\$15.92	\$70,001–\$80,000
\$214	\$17.83	\$80,001–\$100,000
\$235	\$19.58	\$100,001–\$120,000
\$258	\$21.50	More than \$120,000

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► Age 60 to 64: \$1,800 ► Age 65 to 69: \$1,200 ► Age 70 and older: \$800

EMPLOYMENT STATUS (Check one)

- Full Time:** Teacher, researcher, or academic professional at an accredited college or university
- Part Time:** Faculty paid on a per-course or percentage basis
- Graduate Student:** Enrolled at an accredited institution within the last five years and not eligible for another active membership category
- Retired**
- Associate:** A nonvoting membership for all other supporters, including administrators and the public

PAYMENT TYPE (Check one)

- Option #1: Bank Draft**
 Bank Name: _____
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 Monthly Dues Amount: _____

- Option #2: Credit/Debit Card**
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 Card #: _____
 Expiration Date: _____
 Payment Frequency: Monthly Annual
 Monthly Dues Amount: _____
 Annual Dues Amount: _____

I authorize the AAUP to charge the above credit or debit card, or debit the above checking account, each month or year for the amount indicated. The dues amount may change if authorized pursuant to the AAUP's constitution. If this happens, I authorize my bank to adjust my payment when notified by the AAUP. I agree this authorization remains in effect until terminated in writing by me.

Signature: _____

- Option #3: Personal Check**
 My check payable to the AAUP is enclosed for:

1. Rates valid through December 31, 2015. If you teach at an institution where the AAUP has a collective bargaining agreement, please contact the local chapter for information on joining the AAUP. If you teach in Nevada, please contact the Nevada Faculty Alliance.

2. Lifetime member rates do not apply to members currently paying dues through a collective bargaining chapter.

