

AAUP Censures Six Administrations, Removes Two From Censure List

Release date: 6/12/07

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Washington, D.C. — Delegates to the Ninety-third Annual Meeting of the American Association of University Professors voted on June 9 to place four New Orleans universities on its [list of censured administrations](#). The delegates did so as a result of actions each university had taken in the aftermath of Hurricane Katrina that were sharply criticized in the published report of an AAUP Special Committee. The universities are Loyola University New Orleans, Tulane University, the University of New Orleans, and Southern University at New Orleans. The delegates agreed to hold over until the 2008 annual meeting a fifth New Orleans institution, the Louisiana State University Health Sciences Center.

At the same meeting, the delegates also voted to impose censure on the administrations of Our Lady of Holy Cross College in Louisiana and Bastyr University in Washington. In other decisions, the delegates removed Tiffin University in Ohio and New Mexico Highlands University from the AAUP's censure list.

Censure by the AAUP informs the academic community that the administration of an institution has not adhered to the generally recognized principles of academic freedom and tenure jointly formulated by the AAUP and the Association of American Colleges and Universities and endorsed by more than 200 professional and educational organizations. With these actions, 47 institutions are now on the censure list.

Hurricane Katrina and Five New Orleans Institutions

An AAUP Special Committee on Hurricane Katrina and New Orleans Universities found that there was “nearly universal departure from (or in some cases complete abandonment of) personnel and other policies” by five New Orleans institutions—the Louisiana State University Health Sciences Center, the University of New Orleans, Southern University at New Orleans, Loyola University New Orleans, and Tulane University—as they contended with the disaster that befell the city and its universities.

The report identifies several specific areas of widespread dereliction:

- The number of faculty terminations “exceeded the inescapable or minimal needs of the institution, sometimes substantially.”
- The notice and timing of personnel actions “also failed to meet AAUP standards and created needless, even at times unconscionable, uncertainty.”
- Alternative placement of affected faculty “universally fell below AAUP standards, but also fell short of the institutions’ apparent capacity to mitigate the harshest effects of inevitable personnel reductions.”

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- The opportunity for internal review of adverse judgments “failed to meet most accepted standards of due process as well as the institutions’ own established review procedures.”
- Faculty tenure (which all these institutions had previously recognized and by and large respected) “received far less deference than AAUP policy and prior practice [on these campuses] would have required.”

Loyola University New Orleans

The Special Committee concluded that the Loyola University New Orleans administration, in terminating seventeen appointments, acted in gross disregard of the university’s applicable policies and of the AAUP-recommended standards which the policies track; that the administration, in rescinding teaching assignments that had been made for some of the seventeen and in barring all of them from campus access and facilities, effectively dismissed them summarily, thereby violating the [1940 Statement of Principles on Academic Freedom and Tenure](#) and the university’s own tenure policies; and that the administration, in ignoring prerogatives and actions of duly constituted faculty bodies and being unresponsive to successive faculty votes of no confidence, has acted at odds with principles of shared governance as set forth in the [Statement on Government of Colleges and Universities](#).

The annual meeting voted to censure the administration of Loyola University New Orleans.

Tulane University

The Special Committee concluded that the Tulane University administration failed to provide any but the most generic evidence with respect to a declared state of financial exigency, and refused to elaborate on its reasons or to participate directly in the hearing process for one major case. The administration thereby effectively deprived faculty members, whether tenured or nontenured, of the chance to assess the bona fides of the declaration of financial exigency and its application to their particular cases. The committee also concluded that the administration declined to seek to relocate affected tenured faculty members in other suitable positions, contrary to Association-supported standards; that it acted in disregard of the [Statement on Government of Colleges and Universities](#) and the university’s own faculty bylaws by reorganizing the Faculty of Liberal Arts and Sciences into separate schools of Liberal Arts and Science and Engineering without faculty consultation; and that in its termination decisions it made no meaningful distinction between tenured and nontenured faculty members, save for affordance of notice or severance salary, and thereby acted at variance with the [1940 Statement of Principles on Academic Freedom and Tenure](#).

The annual meeting voted to place Tulane University on the list of censured institutions.

University of New Orleans

The Special Committee concluded that the administration of the University of New Orleans, a component of the Louisiana State University system,

denied furloughed professors safeguards of academic due process as provided in Regulation 4c (“Financial Exigency”) of the Association’s [*Recommended Institutional Regulations on Academic Freedom and Tenure*](#), and that it ignored the protections of tenure as called for in the [*1940 Statement of Principles on Academic Freedom and Tenure*](#) and the *Recommended Institutional Regulations*. The Special Committee concluded further that tenure at the university is likely to remain insecure so long as current procedures for the release of faculty continue in place. The Special Committee also concluded that the administration had not shown a need for continuing the furlough of any of the professors whom it had placed in that condition.

Despite assurances from the Louisiana State University System’s general counsel that appropriate procedures for termination needed to be followed, and that action by the system’s board of supervisors was required before termination of tenure could become effective, each of the affected professors received notification of termination with the stated right to contest the decision through procedures identical to what was provided in the previous May’s notifications of placement on furlough. These procedures were confined to an appeal through an administration-dominated panel to the chancellor followed by application to the system office for a review of the decision which would be “at the sole discretion of the president.”

The annual meeting voted to place this institution on the list of censured institution.

Southern University at New Orleans

The Special Committee concluded that furloughed Southern University at New Orleans (SUNO) professors were denied academic due process to which they were entitled both under SUNO’s own policies that were in force before a “force-majeure” plan was implemented by the administration and under the [*1940 Statement of Principles on Academic Freedom and Tenure*](#) and derivative AAUP-supported standards. Actions by administrative agencies fundamentally affecting the academic programs of the university and the status of its faculty showed manifest disregard for the faculty’s proper role in academic governance as enunciated in the [*Statement on Government of Colleges and Universities*](#).

On the issue of whether Southern University policies on financial exigency would apply in the event of any new release of tenured faculty, SUNO’s counsel wrote that neither the “chancellor of one university within the Southern University System nor ourselves as counsel for the Board of Supervisors of the Southern University System can make such a statement.” The AAUP’s Committee A stated that it “cannot countenance the possibility of the ‘force- majeure’ procedures, as applied at SUNO in December 2005, being applied again.”

Censure was imposed on the SUNO administration by vote of the annual meeting.

Louisiana State University Health Sciences Center

The Special Committee concluded that the administration of the Louisiana

State University Health Sciences Center (LSUHSC) acted contrary to the [1940 Statement of Principles on Academic Freedom and Tenure](#) in the following respects. It discarded the institution's financial exigency procedures, without adequately explaining why it deemed them inadequate, in favor of a new "force-majeure" plan. It took these actions without consulting with the faculty. It placed a large number of professors on furlough with virtually no notice, it unilaterally decided whom to furlough, it paid little if any deference to tenure rights and length of service, and it paid no discernible heed to rights of relocation.

While faulting the LSUHSC administration for its actions under the "force-majeure" plan, the Special Committee also reported encouraging developments during the 2006-07 academic year that came to be supplemented by additional positive developments since the committee's report went to publication. The administration has confirmed plans to revert back to the system's regulations on financial exigency. The administration has stated that it will give consideration to specific proposals for modifications in these regulations, which would be presented to the system's board of supervisors for adoption, and it has also expressed interest in working with the faculty leadership on governance matters during the coming year and beyond.

The annual meeting concurred with the recommendation of the AAUP's Committee A on Academic Freedom and Tenure that the case of LSUHSC be held over to the 2008 annual meeting.

Our Lady of Holy Cross College

The investigating committee's report concerned actions by a new president of Our Lady of Holy Cross College that led to a professor's dismissal. The professor, as the elected head of the Faculty Senate, had been instrumental in convincing the previous administration and the governing board's finance committee to adopt a revised salary schedule, to be implemented over a three-year period. The new president, who assumed office after the first year's implementation of the salary schedule, indicated that he had problems continuing with it. Over the next several weeks the professor circulated arguments against the president's position that were increasingly direct in substance and hostile in tone. The president ultimately summoned the professor to his office and told him that his services were being terminated, that he would be paid salary and benefits until the end of his annual contract, but that he was to leave the campus immediately and was not to return. He was given no reason for his dismissal and was given no opportunity for a hearing. When pressed by the investigating committee to explain why he took such drastic actions, the president replied that he could say only that it was "for the good of the college."

The investigating committee concluded that the actions against the professor were taken in total disregard of the procedural requirements provided in the [1940 Statement of Principles on Academic Freedom and Tenure](#) and the [1958 Statement on Procedural Standards in Faculty Dismissal Proceedings](#). The committee in its conclusion also addressed the atmosphere for academic freedom at Our Lady of Holy Cross College, assessing the atmosphere as "fragile to begin with because all faculty members serve

indefinitely on appointments for a single academic year renewable at the administration's discretion with nonrenewal not subject to appeal," and concluded that the actions against the professor had produced a yet more precarious climate for academic freedom.

The annual meeting voted to censure the administration.

Bastyr University

The report of this investigating committee concerned the actions taken by the administration of Bastyr University in the cases of three faculty members who, having served continuously for four, nine, and twelve years, received between two months and two days of notice of termination of their appointments and were banned from the campus.

The administration characterized its action against the first professor as placement on administrative leave and issuance of notice of nonreappointment and refused to allow a hearing or appeal. The committee found that these actions constituted a suspension of the faculty member that amounted to a summary dismissal. The committee concluded that the administration thereby deprived the faculty member of academic due process as set forth in the [*1940 Statement of Principles of Academic Freedom and Tenure*](#) and the [*1958 Statement on Procedural Standards in Faculty Dismissal Proceedings*](#). Moreover, the committee found that the administration, to the extent that it dismissed the faculty member because of what it saw as her independence and lack of deference to administrators, violated her academic freedom.

In the case of the other two professors, the investigating committee found that the administration, although characterizing its actions as nonreappointments, effectively dismissed the two faculty members when it notified them two days before the expiration of their existing contracts that their appointments were not being renewed and that they were barred from campus. As in the previous case, the committee concluded that the administration denied the two professors the applicable protections of academic due process called for under the *1940 Statement* and the *1958 Statement*. The committee also concluded that, in dismissing the two professors because of their advocacy for faculty rights or because of disagreement with them about curricular issues, the administration violated their academic freedom as well.

Finally, the investigating committee found that the exclusive use of "at-will" faculty appointments, terminable at any time, and a lack of shared governance at Bastyr University contribute to an unacceptable climate for academic freedom and due process.

Censure was voted by the annual meeting.

Institutions Removed from the Censure List

Tiffin University

The 2002 annual meeting voted to place Tiffin University on the censure list following the report of an investigating committee concerning action taken

by the administration to dismiss a professor in his twelfth year of full-time service without having provided a statement of the charges against him and without having demonstrated cause for its action in a hearing of record before a faculty body. The committee concluded that the administration thereby acted in disregard of academic due process as called for in the [1940 Statement of Principles on Academic Freedom and Tenure](#) and further concluded that the administration violated the 1940 *Statement* by having acted against the professor because of its displeasure with conduct that should have been protected under principles of academic freedom. The committee found that the absence of a system of academic tenure at Tiffin University inhibited the faculty's exercise of academic freedom. The committee also found the university's official policies and the administration's practices deficient in meeting the standards for faculty participation in institutional governance enunciated in the [Statement on Government of Colleges and Universities](#).

Several years ago the dismissed professor reached a settlement with the university, and the institution, by then under a new president, adopted AAUP-recommended policies on academic freedom and new policies on academic governance. Deficiencies in the university's policies and procedures in cases of dismissal remained to be addressed. The procedures also failed to provide explicit protections that accrue with indefinite tenure following a probationary period. In this past year the president agreed to changes in the institution's regulations to bring them into essential conformity with AAUP-supported standards of academic due process. The regulations of Tiffin University now provide for an appropriate hearing in a dismissal case and also for a hearing of record before an elected faculty body if the administration seeks to deny a faculty member reappointment after seven years of full-time service.

The annual meeting voted to remove Tiffin University from the list of censured administrations.

[New Mexico Highlands University](#)

The administration of New Mexico Highlands University was placed on the censure list last year by the Ninety-second Annual Meeting. The report of the investigating committee concerned actions the administration had taken in the cases of two faculty members, both of them unsuccessful candidates for tenure.

In the case of the first faculty member, the committee's report found that less than a month after the administration had notified him of the rejection of his tenure candidacy, he was dismissed from the faculty and banished from the campus effective immediately, apparently because of statements he had made in the press and to his colleagues that were sharply and personally critical of actions taken by members of the administration. His dismissal was effected without a hearing, and payment of his salary ceased with the termination of his services. The investigating committee found that, to the extent that the administration acted to dismiss him because of displeasure with his public criticism of its policies and actions, it violated his academic freedom. The committee concluded that these actions violated the [1940 Statement of Principles on Academic Freedom and Tenure](#).

With regard to the second professor, the committee concluded that the administration acted in disregard of the Association's [Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments](#) by not providing him with a statement of reasons for its decision to deny him tenure and by setting aside without substantive comment the judgments of two faculty appeals committees. These faculty committees found that inadequate consideration had been given to his qualifications and that numerous procedural irregularities had occurred in the evaluation of his tenure candidacy. The investigating committee also concluded that the administration disregarded the principles of shared governance articulated in the [Statement on Government of Colleges and Universities](#).

A month after the censure was imposed, the president of New Mexico Highlands University resigned. A few months later the university reached a settlement with the first professor, reinstating him to the faculty and granting him tenure. In March, a settlement was reached in the case of the second faculty member. A new president who had taken office in January pledged to address outstanding issues relating to the censure, including revisions in official institutional policies relating to academic freedom, tenure, and due process to bring them into closer conformity with Association-supported standards. He has worked with the Highlands faculty leadership and in consultation with the Association's staff, to effect the requisite changes. These include provision for appealing an adverse reappointment decision on grounds of impermissible discrimination, and the establishment of appropriate hearing procedures in the case of a nontenured faculty member who is dismissed within the term of an appointment. These changes were approved by the university's board of regents in mid-May.

The annual meeting voted to remove New Mexico Highlands University from the list of censured administrations.

The American Association of University Professors is a nonprofit charitable and educational organization that promotes academic freedom by supporting tenure, academic due process, shared governance and standards of quality in higher education. The AAUP has about 45,000 members at colleges and universities throughout the United States.

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