

Illinois AAUP Chapter Reports

St. Xavier University AAUP Response to Peter Kirstein Case

From: Saint Xavier University-AAUP Chapter Executive Committee: Richard Fritz, President; Jayne Hileman, Treasurer; Norman Boyer, At-Large Representative; Michael Clark, At-Large Representative; Olga Villela, At-Large Representative

On May 19, 2003, the Saint Xavier University-AAUP Chapter Executive Committee sent the attached letter via e-mail to President [now Emeritus Richard] Yanikoski and other concerned parties. Since then, several recipients have requested a "hard copy" version of the document. The Executive Committee has agreed to this request, and also decided to distribute the letter to all faculty members at Saint Xavier and the general public.

The intent of the attached letter is to articulate the Executive Committee's interpretation of AAUP policies and recommendations regarding issues of due process and academic freedom. We hope this will encourage faculty members and their elected representatives to openly discuss the faculty's role in managing and/or adjudicating complex, difficult cases. Another goal is to urge the establishment of binding rules and procedures that specify faculty participation in ensuring due process, fair remedies, as well as faculty responsibility to the university and the community.

As an advisory body, we urge the Faculty Senate and the administration to work closely with one another to uphold academic freedom and due process. We need clear policies that spell out the Senate's responsibility to conduct inquiries and, when necessary, to recommend sanctions. There are important gaps in the faculty governance structure. Right now the faculty's role, and its responsibilities, in ensuring due process are at best vague and ill-defined. In the future, elected faculty officials should share the burden of investigation and decision-making in those rare cases where sanctions are contemplated.

We need a full, open, and collaborative discussion of faculty rights and responsibilities. Current policies do not clearly specify faculty leaders' roles or the procedures they must follow in cases where sanctions are being considered. We need to establish clear rules and procedures requiring elected faculty representatives to participate in all cases, even when the unpleasant prospect of sanctioning a colleague arises. The administration should not be left to bear the onus of deciding such cases alone. Collaborative decision making, with faculty input and participation, will ease the burden on administration and pave the way for harmonious relations. Our elected faculty leaders should not be relegated to the sidelines when sanctions are considered.

We believe there is a serious need to clarify the faculty's role in ensuring due process, and we hope that the Senate and administration can work together to establish meaningful rules and procedures.

St. Xavier AAUP May 19, 2003 Statement

*From: Saint Xavier University-AAUP Chapter Executive Committee:
Richard Fritz, President; Jayne Hileman, Treasurer; Norman Boyer, At-Large Representative; Michael Clark, At-Large Representative; Olga Villela, At-Large Representative*

In the aftermath of the circumstances surrounding Professor Peter N. Kirstein's e-mail communication with an Air Force Academy cadet, the Executive Committee of the Saint Xavier University chapter of the American Association of University Professors makes the following recommendations. These recommendations are made in the spirit of shared governance and collaboration. Both the administration and the faculty will benefit by sharing the responsibility for due process in cases where formal sanctions or punishments may be contemplated.

1) Faculty should not be censured or punished for their ideas or opinions. The AAUP 1940 Statement of Principles on Academic Freedom and Tenure states: "When they speak or write as citizens, faculty should be free from institutional censorship or discipline." The SXU-AAUP Executive Committee stresses that external public pressures should not influence either due process or substantive actions taken against faculty in regard to free speech. AAUP guidelines further state: "In a democratic society freedom of speech is an indispensable right of the citizen" (AAUP "Redbook" Committee A Statement on Extramural Utterances). As Stanley Kurtz observes in the National Review Online (January 8, 2003): "The best remedy

for speech that offends, is more speech.” Free speech is indispensable to a free society. Faculty should not be removed from the classroom for extramural utterances and activities. Suspension, dismissal, or other punishments/sanctions should not be used to restrain faculty members in their exercise of academic freedom or other rights of American citizens. (see AAUP “Redbook,” Recommended Institutional Regulations on Academic Freedom and Tenure, Section 5, Dismissal Procedures). “Extramural utterances rarely bear upon the faculty member’s fitness for continuing service.” (AAUP “Redbook,” Committee A Statement on Extramural Utterances). Professors should not be judged on their classroom teaching based on extramural statements, opinions, or activities that are unrelated to their teaching assignment.

2) Due process must precede any sanctions or punishments. Faculty members should be notified in advance of a disciplinary hearing. They should be informed in writing of the nature of the charges and of any sanctions being considered. Faculty members should also be notified in advance of the agenda and format of the hearing. (See AAUP “Redbook,” Recommended Institutional Regulations on Academic Freedom and Tenure, Section 5, Dismissal Procedures).

To ensure faculty oversight and participation in future cases involving the potential sanctioning of a faculty member, the SXU-AAUP Chapter Executive Committee recommends that the Saint Xavier Faculty Senate establish a faculty committee, duly elected by the general faculty, charged with the function of rendering confidential advice. This committee should have the right to conduct its own inquiry into whether additional proceedings and sanctions are appropriate. This committee can only function properly if: 1) there is adequate communication and a mutually respectful, constructive working relationship with the administration, and 2) it has appropriate initiating capacity and a full voice in the decision making process regarding sanctions. (See AAUP “Redbook,” Statement on Government of Colleges and Universities). The principles of shared governance indicate that the Faculty Senate must seek formal, binding arrangements with the administration that require all parties to adhere to relevant AAUP guidelines.

3) Post tenure review must not be used as a punitive process. Article V of the Saint Xavier University Faculty Bylaws requires: “The purpose of the [post-tenure] review is to enhance and improve the tenured faculty member’s overall performance. The review process shall be formative and shall preserve academic freedom and tenure.” The procedures specified in the Faculty Policies Section of the Faculty Handbook regarding post-tenure review must be respected at all times. It is not the prerogative of either the faculty member or the administration to alter, amend, or revise these procedures.

4) As discussed in the opening paragraphs of AAUP’s 1940 Statement of Principles on Academic Freedom and Tenure, the economic security of the faculty member, along with academic freedom, “are indispensable to the success of an institution in fulfilling its obligations to its students and to society.” The economic security of faculty members should never be threatened by contract addenda which single out an individual for his or her speech or activities. Contract addenda should never be contemplated or implemented as a means of restricting academic freedom or requiring intellectual orthodoxy or behavioral conformity.

A Success Story at Bradley University

By Joseph Felder

At Bradley University, the faculty of a college evaluates the college dean. Each faculty member is asked to fill out a form once a year. Those forms go to the Provost. Every third year those forms and other information go to an elected faculty committee that evaluates the dean.

It was not always so. The local AAUP chapter worked long and hard to put this process in place. First there was an AAUP committee. It developed a procedure and evaluation form. They were submitted to the University Senate, which then charged its own committee, made up of faculty members, including members of AAUP, and administrators, to develop its own procedure and form. Finally, in 1991, the Senate approved a process and a form. They were written into Bradley’s Faculty Handbook.

That is the system we had in place for about 10 years. Then a new Senate committee, made up of faculty and one dean, was charged with improving the process and form. The committee included AAUP members and faculty members who had chaired dean evaluation committees.

The committee first revised the forms that faculty and others are asked to fill out each year. Its revisions were accepted by the Senate. (To see the forms, go to http://www.bradley.edu/academics/fachandbook/documents/pdf/Faculty_Handbook.pdf, pages 193–201 near the end of the Handbook.)

Then the committee turned to the process itself and after months of deliberation decided on a split vote to recommend to the Senate that the third year faculty committees be abolished!

The Bradley AAUP chapter was stunned and decided to fight the issue out on the floor of the Senate. Bradley has a University Senate, not a Faculty Senate. One third of the Senators are administrators and they usually vote as a block.

The AAUP chapter sent the following e-mail to the whole faculty and academic staff in April, 2002:

MEETING **ON** **THE**
PROPOSED ABOLITION OF FACULTY DEAN EVALUATION COMMITTEES

THE ISSUE: Every third year the dean of one college is evaluated by a committee elected by the faculty of that college. The faculty committee is charged with collecting and analyzing information about how their dean is perceived by the faculty. This process has been in place since 1991. A Senate Ad Hoc Committee is recommending doing away with the faculty committees. It is recommending, in effect, that the faculty role be limited to filling out an annual questionnaire, the results of which will never be seen by any members of the faculty.

WHY **THE** **ISSUE** **IS**
IMPORTANT: *The AAUP Red Book, the document our Faculty Handbook is based on, states that faculty should be accorded the primary voice in the evaluation of academic administrators. The faculty committees are the voice of the faculty. As faculty committees elected by their peers, they are in a unique position to collect information, put it in the proper context, and speak for the faculty as a whole.*

The committees are also central to shared governance. Shared governance means empowerment of the faculty as well as administrators. It means that we share responsibility and are accountable to one another.

The committees promote improved communication between the faculty, deans, and the provost. This is important even in the best of times, but it takes on added importance when there is a significant problem in dean-faculty relations. The committees are essential for detecting such problems early-on, gauging their magnitude and importance, and working toward early internal resolutions. Surely, that is in the best interest of the colleges and the university.

At the Senate meeting last year, the chair of the committee presented his report and recommended abolition of the faculty committees. A senator moved for acceptance of the report and its recommendation of abolition.

In the debate that followed the Provost and some members of the faculty spoke in favor of abolition, but a former Provost, who had returned to the faculty, spoke out in favor of retention. His argument was that faculty participate in the dean search and selection process, so they should have continued involvement in the dean evaluation process.

After impassioned debate the Senate voted to thank the committee and reject its recommendation. That is, the Senate voted to retain the third year evaluation of deans by faculty committees.

Joseph Felder, secretary of the IL AAUP, was a member of all of the committees mentioned in this report and was a Senator when the issue was debated and voted on.

IL AAUP Visits National-Louis University

On June 11, 2003, AAUP-IL President Pan Papacosta and Executive Director Lynne Meyer visited the Wheaton campus of National-Louis University, where Papacosta was guest speaker at the NLU Faculty Association meeting. His topic, "Why I am a Member of AAUP," drew attention to issues of ongoing concern within the academy, and reiterated the importance of AAUP in these matters. Appropriately, Papacosta's remarks opened the meeting, much of which was devoted to related topics. Of note were the reports from the Institutional Promotion and Tenure Committee and the Sabbatical Committee, both of which included proposals for changes in policy. Also of special interest was the Faculty Platform adopted by the Association last December in order to specify particular goals to be attained in 2003. In May of this year, the Association produced and disseminated a "Report Card" describing its perceptions of NLU's progression toward these goals; this status of this progression generated spirited discussion. After the introduction of new business, the meeting was adjourned, and immediately followed by a meeting of the NLU chapter of the AAUP.