

BETHUNE-COOKMAN UNIVERSITY (FLORIDA)

The report of the investigating committee concerns the actions taken by the Bethune-Cookman University administration to suspend and then dismiss four professors, two with tenure, without having demonstrated cause for its actions in hearings before faculty peers. The report also deals with the administration's actions to terminate the appointments of three other professors without advance notice, without affording academic due process, and in two cases without the protections of due process that under the 1940 *Statement of Principles on Academic Freedom and Tenure* should have been provided because of the length of their service.

Prior to their dismissal, the four suspended professors were required to attend separate meetings with an outside investigator, owner of a human-resources consulting firm, where they were informed orally of anonymous students' allegations of sexual harassment. At the meeting and subsequently, the four professors denied all such allegations. Shortly thereafter, each professor was notified by letter from a Bethune-Cookman outside attorney that each had been the subject of an "independent investigation," which concluded that each had been "involved in sexual misconduct with female students at the University. As such, the reason for the termination is moral turpitude." At post-termination hearings before three faculty members appointed by the president, the administration presented allegations and documents attesting to hearsay reports of improper behavior, but it offered no firsthand testimony or signed statements from any students alleging they had been victims of sexual harassment. The accused professors were given no opportunity to cross-examine witnesses, and no record of the hearings was kept.

In the cases of the three other professors, the administration attributed its actions in two of the cases to a board of trustees mandate to reduce expenses, yet no declaration of financial exigency ensued. One of those professors had filed sexual-harassment complaints against the dean of the School of Arts and Humanities but had received no response. The third professor was released after eleven years of service on the grounds that his graduate credentials dating back many years did not meet accrediting-agency standards, even though Bethune-Cookman University had been reaccredited during his term of service.

The investigating committee concluded that in dismissing the four professors on grounds of sexual harassment the administration acted in disregard of the 1940 *Statement of Principles*, the 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings*, and the

Association's *Sexual Harassment: Suggested Policy and Procedure for Handling Complaints*.

The committee found with respect to the faculty members whose appointments had been terminated on financial grounds that the administration violated the financial-exigency provisions of the 1940 *Statement* and Regulation 4c of the Association's *Recommended Institutional Regulations on Academic Freedom and Tenure*. In the case of the senior professor whose sexual-harassment complaints were not pursued and that of the senior professor whose services were terminated on grounds of inadequate graduate credentials, the committee found that the administration's actions were tantamount to summary dismissals in violation of Association-supported standards of academic due process. Moreover, the committee found that in many instances critical to academic freedom and tenure, the university had no published procedures, and where it did, the administration often failed to follow them, producing a chilling effect on academic freedom.

Committee A recommends to the Ninety-seventh Annual Meeting that Bethune-Cookman University be placed on the Association's list of censured administrations.