

6/5/09

## **NICHOLLS STATE UNIVERSITY (Louisiana)**

The investigating committee's report addresses the case of an instructor who earned bachelor's and master's degrees at Nicholls State University and began teaching there in 1995 as a full-time member of the department of mathematics. In May 2007, one day before the instructor completed her twelfth year on renewable term appointments, the department head told her that she would not be reappointed. She asked why, received a response from him that was demonstrably inaccurate, and then submitted a written request to the president, who replied that the university's policies do not require providing reasons and that in practice they are not provided.

Attempting to find out why the instructor's services were terminated, the investigating committee interviewed five administrative officers, many current and former members of the mathematics department, and the instructor herself. The committee found consistently favorable evaluation of her academic work and no hint of any personal misconduct. It concluded that the only plausible reason for releasing her was her having assigned failing grades to a large number of students in college algebra, a required course that constituted a large proportion of her teaching. For several reasons, the traditionally substantial rate of failure in the basic college algebra course had become larger in the spring and fall of 2006, leading the administrators to bring pressure on the mathematics teachers to assign fewer failing grades. Some of the teachers acknowledge having lowered their standards, but the instructor in the investigated case resisted ("admirably so," according to colleagues) and the termination of her services followed.

Although the Nicholls State University administration officially classified its action against the instructor as nonreappointment, the investigating committee found that the action removing someone consistently evaluated as meritorious from the faculty after twelve years of full-time service occurred well beyond the generally accepted maximum probationary period and thus should be considered a dismissal for cause. Finding further that the administration declined to state any reason that would explain its action or afford her any opportunity for a hearing before a faculty body or before any other Nicholls person or group, the investigating committee concluded that the administration denied the

instructor the safeguards of academic due process that accrue with continuous appointment as enunciated in the 1940 *Statement of Principles on Academic Freedom and Tenure* and derivative Association- supported standards.

The investigating committee was unable to obtain a coherent explanation of why the administration waited until the next-to-last day of the instructor's existing appointment to notify her of her release. The instructor was entitled under the provisions of the 1940 *Statement of Principles* to a year of notice or severance salary. Faculty members in only their first year of service are entitled under AAUP-recommended standards to three months of notice. The investigating committee called the one day of notice at the end of twelve years of service "deplorably scant." Nicholls administrative officers, commenting on a draft text of the committee's report, confirmed that full-time non-tenure-track faculty members such as the dismissed instructor, no matter how long they have served, lack any entitlement not only to advance notice but also to reasons for nonretention and opportunity for appeal.

Having found no plausible reason for the administration's action to dismiss the instructor other than its displeasure with the large number of failing grades she gave to her college algebra students, a reason the administration has allowed to stand un rebutted, the investigating committee concluded that the administration thereby violated her academic freedom.

Committee A recommends to the Ninety-fifth Annual Meeting that Nicholls State University (Louisiana) be placed on the Association's list of censured administrations.